

DIVISION OF BUILDING SAFETY

DAMAGE PREVENTION BOARD  
VIDEOCONFERENCE MEETING

MARCH 23, 2017



# DAMAGE PREVENTION BOARD

## Agenda Item No. 01

## Agenda

**PRESENTER:** Mark Van Slyke, Chairman

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**OBJECTIVE:** Approve agenda for the March 23, 2017 Damage Prevention Board meeting.

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**ACTION:** Consent

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**BACKGROUND:**

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**PROCEDURAL  
HISTORY:**

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**ATTACHMENTS:** Tentative agenda

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**TENTATIVE AGENDA**

**NOTICE OF PUBLIC MEETING/PUBLIC HEARING**

***DAMAGE PREVENTION BOARD  
VIDEOCONFERENCE MEETING***

**Division of Building Safety  
1090 East Watertower Street, Suite 150, Meridian  
1250 Ironwood Drive, Suite 220, Coeur d'Alene  
2055 Garrett Way, Building 1, Suite 4, Pocatello**

***Thursday, March 23, 2017  
9:30 a.m. - 3:00 p.m. (MT)***

*(Note: North Idaho - Meeting Commences @ 8:30 a.m. PT)*

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- 9:30 a.m. CALL TO ORDER** – Mark Van Slyke, Chairman
- Roll Call & Introductions
  - Open Forum

**CONSENT AGENDA**

1. Approval of the March 23, 2017 Agenda
2. Approval of the January 26, 2017 Board Meeting Minutes

**ACTION AGENDA**

3. Acquisition of Virtual Private Dirt (VPD) Data Collection Program – Mark Van Slyke
4. Review of “Draft” Homeowners Violation Notice Letter – Mark Van Slyke
5. Printing of Idaho Statute 55-22 Booklet – Linda Phillips
6. Letter to Public Agencies Issuing Permits, §55-2209 – Mark Van Slyke

**PUBLIC HEARING**

7. Negotiated Rulemaking – Review Proposed Rules for Damage Prevention Board – Mark Van Slyke

**INFORMATIONAL AGENDA**

8. Subcommittee Reports – Board Chairs: Vaughn Rasmussen, Joe Leckie, Scott Spears
9. Definition of ‘Hand Dig’ – Jeanna Anderson
10. Discussion on Locates in the Right of Way – Jeanna Anderson
11. Notice to Underground Facility Owners Not Participating in a One-Number Notification Service – Mark Van Slyke
12. Administrator Report – Chris Jensen

a. Financial Report

**3:00 p.m. ADJOURN**

*All times, other than beginning, are approximate and are scheduled according to Mountain Time (MT), unless otherwise noted. Agenda items may shift depending on Board preference. 3/13/2017*

# DAMAGE PREVENTION BOARD

**Agenda Item No. 02**

**Minutes**

**PRESENTER:** Mark Van Slyke, Chairman

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**OBJECTIVE:** Approve minutes from the January 26, 2017 Damage Prevention Board meeting.

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**ACTION:** Consent

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**BACKGROUND:**

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**PROCEDURAL  
HISTORY:**

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**ATTACHMENTS:** Draft minutes

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IDAHO DAMAGE PREVENTION BOARD  
VIDEOCONFERENCE MEETING

Thursday, January 26, 2017 – 9:30 a.m. (MT)

Division of Building Safety  
1090 East Watertower Street, Suite 150, Meridian  
1250 Ironwood Drive, Suite 220, Coeur d'Alene  
2055 Garrett Way, Building 1, Suite 4, Pocatello

**\*DRAFT MINUTES OF THE JANUARY 26, 2017 MEETING**

NOTE: The following report is not a verbatim transcript of the discussions at the meeting; however, is intended to record the significant features of those discussions.

Chairman Mark Van Slyke called the meeting to order at 9:30 a.m. (MT)

**Board Members Present:**

Mark Van Slyke, Chairman  
Vaughn Rasmussen, Vice-Chair – Absent  
Jeanna Anderson  
Bob Chandler  
Jeffrey Diehl  
Roy Ellis  
Joe Leckie  
Linda Phillips  
Jerry Piper  
Nichole Rush  
Scott Spears

**DBS Staff Members Present:**

Chris Jensen, Administrator  
Ron Whitney, Deputy Administrator  
Patrick Grace, Deputy Attorney General  
Jeff Egan, Regional Manager, Region 3  
Shelly Farris, Regional Supervisor, Region 3  
Larry Jeffres, Regional Manager, Region 1  
Laurie Jilbert, Executive Assistant

♦ **Call to Order**

Chairman Van Slyke called the meeting to order at 9:30 a.m. (MT). Roll call taken, Vaughn Rasmussen absent. Quorum established. Chairman Van Slyke welcomed those in the audience and called for introductions, Wayne Hammon and Richie Bonney with the Association of General Contractors (AGC). The Chairman also acknowledged Verlyn Bailey with TransCanada, attending via teleconference.

♦ **Open Forum**

No issues were brought forward during open forum.

- ◆ **Approval of the January 26, 2017 Agenda**

The Chairman called for the approval of the agenda.

MOTION: Jerry Piper made a motion to approve the agenda, motion seconded by Bob Chandler. Vote called, all in favor, motion carried.

- ◆ **Approval of the November 10, 2016 Board Meeting Minutes**

The Chairman called for the approval of the draft minutes.

MOTION: Jerry Piper made a motion to approve the November 10, 2016 Board Meeting Minutes as presented. Bob Chandler seconded. Vote called, all in favor, motion carried.

- ◆ **PHMSA Notice and Appeal**

Joe Leckie requested this agenda item be delayed until after the informational PHMSA presentation, agenda item #6, he offered it would flow better.

- ◆ **Subcommittee Reports**

Scott Spears was chairman for subcommittee #3, which was tasked with the responsibility of drafting a rule defining the procedure for processing of claims related to damages to underground facilities. A draft of the “Damage Prevention Complaint Form” was included in the board packet. Patrick Grace (DAG) discussed considerations that were taken into account with the design of the complaint form. The DAG clarified the complaint process is more of a disciplinary process, wherein a party violates the act and consequences could be imposed, such as a training or a civil penalty. Discussion continued on whether it was the intent of the legislation to have the Board adjudicate claims. The DAG conferred with Neil Colwell on the intent of the term “claim” and Neil advised, initially, it was the desire for the Damage Prevention Board to adjudicate claims, however, that was later changed. Discussion continued. Reporting is not the same thing as a complaint, may not require action. A complaint is where damages are incurred and parties want corrective action. The DAG noted the wording on the draft form, “General reports of underground facility damage or excavator downtime, which are not complaints but required by section 55-2208(5), Idaho Code, should be made separately in accordance with procedures established by the Board.” Discussion ensued on what will happen once the complaint is received. Chairman Van Slyke asked Scott if he was seeking feedback from the Board, Scott confirmed the committee would welcome any input with defining this process.

Questions were directed to DBS on how complaints were currently managed. The DAG advised the Division has received complaints however, resolution cannot occur without rules in place. Discussion held on a temporary rule for the process, the timeline for a temporary

rule would probably be the fall at the soonest. Urgency to expedite the process was expressed.

Chairman Van Slyke inquired whether DBS could begin action with notification to homeowners. Ron Whitney expressed DBS does not have funding to proceed with this action, the Board would need to provide DBS with the letter format for homeowners, and supporting literature. Discussion on the creation of informational material, before you dig. Linda Phillips advised the literature and handout materials would need to be created. Jeffrey Diehl noted the development of the material shouldn't require much effort with existing information available that can be updated. The DAG offered to create the notice to homeowners' letter, with statutory reference included, for the Board. The draft letter will be presented to the Board at the March meeting. Bob Chandler suggested the letter be drafted for a broader audience than just homeowners, to serve as general information for dissemination.

Subcommittee #1, chaired by Vaughn Rasmussen and tasked with the creation of training programs on all pertinent underground damage prevention topics. Chairman Van Slyke reported Vaughn was absent and the report would be presented at the March meeting for subcommittee #1. Linda Phillips provided information on her research of existing training materials with surrounding states, Oregon, Nevada, Colorado, Wyoming, Montana and California. Upon review, the primary training course on the website was often handbooks with statute information included/attached, many had organized excavator meetings throughout the state which have proven to be very effective, and one-call websites were very informational and included; forms, submit a locate, additional information for homeowners and property owners. Videos and excavator safety videos are available, over 25 videos to select. These videos are available through *Underground Focus*, a magazine that has been around for over 25 years and offers safety videos and other training materials, but Linda was not able to find any materials on penalties. The committee also discussed conducting a survey with stakeholders and excavators on what training materials they may use and how effective, the frequency of training, and the preferred topics. Chairman Van Slyke also made contact with the pipeline operators and the line locate contractors of Idaho to determine what they offered, in-house they have training material. The message coming back is for the industry to have a common training database.

Subcommittee #2, chaired by Joe Leckie and tasked with the establishment of, by administrative rule, the fines for penalties issued on violations of this chapter. Joe sent out a survey to the western states to determine if their state had a fining schedule and the factors that would mitigate or escalate fine amounts. Joe has received some of the surveys back, but will have more in the next couple of weeks and will be prepared to report at the March meeting.

Verlyn Bailey, with TransCanada of Washington, shared Washington utilizes the National Utility Contractors Association (NUCA) training for contractors that violate the one-call statutes. Verlyn shared the Washington fine structure is up to \$1,000 for the first violation and up to \$5,000 for each subsequent violation, the fine can be reduced with attendance of training within 6 months of violation. A stipulation is also imposed on the contractor, cannot receive another violation within a year of the initial violation. Verlyn referenced Montana's fee structure, a proposed fine of \$50 for homeowners and \$100 for contractors, but Verlyn expressed concern with obtaining PHMSA's approval with a fine structure that is so low, he doesn't believe PHMSA will take it seriously.

Patrick inquired with Verlyn if there was a fine schedule that determines the penalty for a specific violation, or if the fee is determined on a case-by-case basis. Verlyn confirmed the process is a case-by-case basis. A panel of five reviews the matter and makes a recommendation to the UTC for their ruling.

- ◆ **Virtual DIRT Report Expert – Steven Blaney, DIRT Program Manager, New York**  
Steve Blaney with New York Virtual DIRT (CGA) provided an overview of the adaptation process of the virtual DIRT report for your state's data collection needs with flex fields. Steve explained the DIRT reports do not capture the state's flex fields, only the CGA DIRT fields. VPD is Virtual Private Dirt that is customized to your state's needs. VPD is a custom version of DIRT. Discussion on the compatibility of data with the DIRT report format. The report format must have equal number of fields that correspond to the DIRT report format.

Steve qualified you do not have to be a CGA member to participate in DIRT or to have VPD. Demonstration of the registration process for contractors to enter their data into VPD, no cost is associated with this registration. The Division of Building Safety would be the host for VPD. There is a \$500 initial set-up fee, if you are not a member of CGA, and \$500 maintenance fee annually. VPD provides for personalization with the administrative entity's logo on the home VPD page.

Chairman Van Slyke qualified the State of Idaho has to provide a method to track damages to document progress with reduction of damages. Discussion continued on the best method to collect data for the State of Idaho. Chairman Van Slyke asked the Board if VPD was the best option for Idaho. Linda Phillips supported this is the program utilized by the pipeline industry and believes this is the vehicle for Idaho to use. Discussion on the ability to produce statistical information from the data collected within VPD from downloadable files. Caria Nakano discussed the statistical program DBS utilizes that can analyze the data collected.

Ron Whitney inquired how the Board would get the contractors to comply with the requirement to enter the data. Nichole Rush referenced the requirement to report damage information in the Damage Prevention statutes, §55-2208(5). Discussion on duplication of information; contractor/facility. Patrick Grace recommended the Board might want to revisit the wording in the statute to clarify the reporting requirement. Chairman Van Slyke asked the question if the program was only tracking damages. The statute states damages or excavator downtime. Discussion continued.

Chairman Van Slyke stated VPD appeared to be the appropriate direction for the Board to proceed. Ron Whitney broached the subject of funding for the program and registration costs. Caria Nakano advised grant monies have been received and funds were allocated for the reporting tool. Caria reported \$41,818.75 of the grant monies were received on Monday, January 23, 2017. Chairman Van Slyke directed the acquisition of the VPD reporting tool be an action item on the March 23, 2017 Damage Prevention Board Meeting.

◆ **Pipeline & Hazardous Materials Safety Administration (PHMSA)**

Joe Leckie provided the Board with the background and history of PHMSA. The Pipeline and Hazardous Materials Safety Administration (PHMSA) was authorized by congress as a regulatory authority over pipelines that transport hazardous hydrocarbon liquids and gases. They are subject to reauthorization every four years, the latest reauthorization act occurred in 2016. PHMSA is part of the Department of Transportation and is tasked with oversight of the pipeline system within the United States, and the territorial waters, to insure the pipelines are constructed and operated safely, limited to pipelines that transport hazardous materials. PHMSA inspects the interstate pipelines and the states' programs inspect the intrastate pipelines. Each state is encouraged to have their own pipeline safety inspection program which PHMSA provides assistance with funding and grant programs up to 80% of the program, normally funding about 60% of the cost of the program. Idaho has a state program that is part of the Public Utilities Commission with Joe Leckie as the state program manager. It was generally thought that pipelines were the greater risk for damages, however, in 2000 Common Ground Alliance (CGA) was formed to look beyond pipelines and brought together all underground utility/facility owners with the general purpose to extract best practices. At this time, the one-call centers were formed. In 2006, congress didn't think enough progress was being made, gave PHMSA responsibility and authority to increase enforcement of one-call service violations, and specifically defined what an adequate damage prevention program would include, and authorized PHMSA to pursue civil action and penalties against excavators and operators who caused damage in a state where there was an inadequate system for damage prevention. Congress defined nine elements of an adequate program: effective communication, comprehensive stakeholder support, operator internal performance measures, effective employee training, public education, dispute resolution, enforcement, technology, and damage prevention program review. With this definition, congress tasked

PHMSA with the responsibility to disseminate the damage prevention mission throughout the United States. In 2011, a survey was sent out relating to the nine elements of an adequate program. As a result of the survey, operators and stakeholders organized the coalition to amend the damage prevention law in Idaho.

PHMSA has authority of all underground facilities related to damage prevention. This statement prompted a request for clarification, as this was not general information to the Board. Joe identified other players involved, some governmental, others non-governmental, under PHMSA: Common Ground Alliance (CGA), American Controlling Institute, American Gas Association, Interstate Natural Gas Association of America, engineering societies, NACE (corrosion experts), public interest groups, environmental groups, and a non-profit organization, Pipeline Safety Trust.

- ◆ **PHMSA Notice and Appeal (Continued)**

PHMSA evaluated the Idaho program in June 2016 to make a determination whether the program was adequate or inadequate. On the basis of this review, Idaho received notification in December 2016 the damage prevention program was inadequate. One of the questions as part of the PHMSA review was; in the previous calendar year did the enforcement organization assess civil penalties, and/or other sanctions for violation of the excavation damage prevention law? If the answer was no, enforcement of the damage prevention law was determined inadequate. This resulted in the inadequate determination of Idaho's program. Discussion continued.

PHMSA wants the damage prevention program to work on a state level and encourage states to be the major enforcer. Grant opportunities have been made available to states; state damage prevention grant for \$50,000, and a one-call grant to promote damage prevention including changes in the underground damage prevention laws, related compliance activities, training, and public education with a maximum award of \$45,000 per year. Idaho has already taken advantage of one of the grant opportunities that afforded the Damage Prevention Board the first installment of \$41,818.75 as Caria reported. Joe explained, initially, states were ineligible to apply for grants if their program was deemed inadequate, however PHMSA has agreed to waive ineligibility if the state is moving toward adequacy within the program. Joe cited concern for Idaho's program in the area of penalties, currently the program is at \$5,000 for second offense and after that \$10,000. PHMSA's recommendation is \$2.5 million for maximum penalty for single occurrence and after that \$200 million for total of single occurrence and want states to move to these amounts. Joe does not believe these amounts will work for Idaho, and PHMSA may tell us the penalties are too low or inadequate. In the possibility that a bad accident occurred, related to a damage prevention violation, and the results are so catastrophic that Idaho's maximum fines appear inadequate, PHMSA could step in and overlay or replace Idaho's fine. Currently Idaho's law

has exemptions; PHMSA declared no exemptions would be allowed however, PHMSA has backed off that declaration. Discussion continued on exemption scenarios allowed.

Another review of Idaho's program will occur in 2017. Joe is concerned Idaho will be far enough along with the new statute to satisfy the areas noted inadequate. Upon review of other states' ratings, about half of the states have been rated as inadequate, so Idaho is not alone. Joe advised Idaho could appeal this rating, however, he doesn't know if that would benefit Idaho to appeal due to the lack of issuance of civil penalties. There is a five-year period (2021) before PHMSA has committed to step in and take over. Any kind of enforcement action by the Damage Prevention Board will satisfy PHMSA with the damage prevention enforcement program. Chairman Van Slyke inquired with Joe Leckie when PHMSA would be back for the next evaluation. In 2017, and will meet with the Board. Joe emphasized PHMSA will not meet with the PUC or DBS, it will meet with the Board! Joe acknowledged the Idaho program was evaluated on the previous law. Discussion continued on timelines to get before the 2018 legislative session. Questions arose on the need to provide negotiated rulemaking notice for the Damage Prevention Board. The DAG will prepare the necessary paperwork to announce the negotiated rulemaking process for the Board. Chairman Van Slyke inquired if it was the desire of the Board to take action on PHMSA's inadequate rating of Idaho's damage prevention enforcement program.

**MOTION:** Jerry Piper made a motion the Board not take action with an appeal on the PHMSA notice, motion seconded by Jeffery Diehl. Vote called, all in favor, motion carried.

**ACTION:** The Damage Prevention Board will not file an appeal on the PHMSA inadequate rating of Idaho's damage prevention enforcement program.

◆ **Management of Complaints Pending Defined Process**

Chairman Van Slyke stated there have been many conversations relating to the complaint process and represented this conversation had been exhausted and recommended the Board move on to another discussion relative to §55-2209. Verlyn Bailey with TransCanada inquired whether the Board would address the notification process to the entities that issue excavation and building permits of the existence of this chapter and the one-number notification service. The Chairman inquired if a form letter advising the appropriate entities of the need to move forward with the notification of the newly established statutes could be mailed to the permit entities by DBS. Ron Whitney advised DBS has contact information for the entities that issue permits. Administrator Jensen recommended the Board provide a draft letter for DBS to disseminate. DBS will get the information out once the letter has been drafted.

◆ **Damage Prevention Board Webpage Design and Development**

Ron Whitney referenced grant monies available for funding the design, development and construction of the Damage Prevention Board website. The grant also allocates DBS staffing for this project. The State of Idaho has a prescribed format that will be used as a template for the Damage Prevention Board webpage. Chairman Van Slyke requested volunteers to assist DBS with this project; Linda Phillips and Bob Chandler have agreed to lend their talents to this project.

◆ **Administrator Report**

Chris Jensen emphasized the importance with following the negotiated rulemaking process. Discussion on the target group of interested parties for the negotiated rulemaking notice. Linda Phillips has contact information and Joe Leckie encouraged DBS to contact Neil Colwell for the coalition distribution group.

**Financial Report**

Financial information presented in the packet reviewed, grant monies assist with expenses incurred up until now for meeting expenses, travel reimbursements, and operating costs. Clarification on whether the grant afforded costs for production of informational materials. Caria noted these expenses were included in the grant application, but was unclear whether the monies would be available in the first grant installment, might have to wait until the second installment.

◆ **Adjournment**

**MOTION:** Scott Spears made a motion to adjourn the meeting, Jerry Piper seconded. Vote taken, all in favor, motion carried.

The meeting adjourned at 2:28 p.m. (MT)

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MARK VAN SLYKE, CHAIRMAN  
IDAHO DAMAGE PREVENTION BOARD

\_\_\_\_\_  
CHRIS L. JENSEN, ADMINISTRATOR  
DIVISION OF BUILDING SAFETY

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE

\*These DRAFT minutes are subject to possible correction and final approval by the Idaho Damage Prevention Board. 3/13/17lj



# DAMAGE PREVENTION BOARD

## Agenda Item No. 04

## Draft Homeowners Violation Notice Letter

**PRESENTER:** Mark Van Slyke

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**OBJECTIVE:** Review the draft letter to determine if all pertinent information was cited in the draft homeowners' violation notice letter.

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**ACTION:**

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**BACKGROUND:** The Deputy Attorney General offered to 'draft' the notice to homeowners' violation letter.

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**PROCEDURAL HISTORY:**

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**ATTACHMENTS:** Draft Letter and Handout "The 811 Process for Homeowners". Visit the CGA website for additional reference information.

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State of Idaho  
***DIVISION OF BUILDING SAFETY***

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C.L. "BUTCH" OTTER  
Governor  
Chris L. Jensen  
Administrator

***Building a Safer Idaho***

1090 East Watertower Street Suite 150  
Meridian, Idaho 83642  
Main # 1-800-955-3044  
Fax # 1-877-810-2840  
[dbs.idaho.gov](http://dbs.idaho.gov)

To Whom It May Concern:

Please be advised that the Idaho Damage Prevention Board and the Division of Building Safety received a complaint that excavation activities occurred at the residential address indicated below which caused damage to an underground facility. The complaint indicated that the excavation occurred by a person without having first provided the required notice of such excavation in accordance with Idaho law. Pursuant to section 55-2205, Idaho Code, at least two (2) days prior to the commencement of any excavation, every person who plans to excavate or dig into the ground must provide notice of such intended activity by calling a one number notification service in their local area. This law applies to everyone who may engage in excavation, including homeowners digging on their own property. The one number notification service is commonly known as "Digline" and they be contacted by dialing 811 on any telephone. The purpose of the requirement to call first is to determine if there are underground facilities in the area of the intended excavation that could be damaged by the excavator who may not know they are present.

Pursuant to Idaho law (§55-2211), this letter is a written warning notifying you that a complaint was made related to excavation which occurred without the proper notice being provided to a one number notification service, and which caused damage to an underground facility at the following property address:

STREET ADDRESS  
CITY, STATE, ZIP

Please be advised that pursuant to Idaho law, a subsequent violation of the Idaho Underground Facility Damage Prevention laws (§§ 55-2201 through 55-2212) could lead to further action by the Idaho Damage Prevention Board to address the matter. This may include the imposition of civil penalties or mandatory training. Additionally, you should be aware that an underground facility owner may also have the right to seek civil restitution for any damage caused to its underground facilities.

Attached to this letter please find educational materials which may assist you in learning more about the prevention of underground facilities in Idaho, as well as provide you with information about what steps are required to be taken by all persons who may engage in excavation activities. Information about the prevention of damage to underground facilities in Idaho may also be found at the following website:  
<https://dbs.idaho.gov/>

Thank you for your attention to this matter. Should you have any questions or need additional information about this letter or the prevention of damage to underground facilities please contact the Division of Building Safety or the Idaho Damage Prevention Board at 1-800-955-3044, or visit <https://dbs.idaho.gov/>.



## 1 NOTIFY

Notify your local one-call center by calling 811 or making an online request 2-3 days before work begins. [Click here](#) for information about your local one-call center and online service availability. The one-call center will transmit information to affected utility operators.



## 2 WAIT

Wait 2-3 days (varies by state; please [click here](#) for state law information) for affected utility operators to respond to your request. On average, between 7-8 utility operators are notified for each request.

## 3 CONFIRM

Confirm that all affected utility operators have responded to your request by comparing the marks to the list of utilities the one-call center notified. State laws vary on the process for confirmation; please check with your local one-call center for more information.



## 4 RESPECT

Respect the marks. The marks provided by the affected utility operators are your guide for the duration of your project. If you are unable to maintain the marks during your project, or the project will continue past your request's expiration date (varies by state), please call 811 to ask for a re-mark.

## 5 DIG CAREFULLY

Dig carefully. If you can't avoid digging near the marks (within 18-24 inches on all sides, depending on state law), consider moving your project to another part of your yard. If you must dig near the marks or use machinery of any kind, please [click here](#) to read "The 811 Process for Contractors."



# DAMAGE PREVENTION BOARD

## Agenda Item No. 05 Printing of Idaho Statute 55-22 Booklet

**PRESENTER:** Linda Phillips – Board Member

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**OBJECTIVE:** Review format for Damage Prevention Board statutes booklet.

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**ACTION:** Direct DBS to order select number of statutes booklet for distribution.

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**BACKGROUND:**

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**PROCEDURAL  
HISTORY:**

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**ATTACHMENTS:** Sample format of statutes booklet.

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**2016**



**Damage Prevention Board**

**Idaho Statutes**



**TITLE 55. PROPERTY IN GENERAL**  
**CHAPTER 22. UNDERGROUND FACILITIES**  
**DAMAGE PREVENTION**

**§ 55-2201. Legislative Intent.**

It is the intent of the legislature in enacting this chapter to create a system of stakeholder-driven education and enforcement addressing the prevention of damage to underground facilities, to assign responsibilities for locating and keeping accurate records of underground facility locations, for preventing and repairing damage to existing underground facilities, for collecting, storing, analyzing and disseminating data related to underground facility damage and excavator downtime events, and for protecting the public health and safety from great personal harm including death, property damage and interruption in vital services caused by damage to existing underground facilities. It is further the intent of the legislature that the state of Idaho, by adopting this chapter, reaffirms its primacy over underground facility damage prevention programs that protect the health, safety and property of its citizens and that, by adopting this chapter, Idaho precludes the pipeline and hazardous materials safety administration of the United States department of transportation from determining that Idaho's damage prevention enforcement is inadequate pursuant to 49 CFR part 198, as adopted on July 9, 2015, and effective on January 1, 2016, and prevents any subsequent federal administrative enforcement actions that would result from such a formal determination.

**§ 55-2202. Definitions.** As used in this chapter:

(1) “Administrator” means the administrator of the division of building safety.

(2) “Board” means the damage prevention board.

(3) “Business day” means any day other than Saturday, Sunday, or a legal, local, state, or federal holiday.

(4) “Damage” means any impact or exposure that results in the substantial weakening of structural or lateral support of an underground facility, or the penetration, impairment, or destruction of any underground protective coating, housing, or other protective device, or the partial or complete destruction of the facility, or the severance, partial or complete, of any underground facility to the extent that the project owner of the affected underground facility owner determines that repairs are required.

(5) “Emergency” means any sudden or unforeseen condition constituting a clear and present danger to life, health or property, or a customer service outage, or the blockage of roads or transportation facilities that requires immediate action.

(6) “Excavation” means any operation in which earth, rock, or other material in the ground is moved or otherwise displaced by any means including, but not limited to, explosives.

(7) “Excavator” means any person who engages directly in excavation.

(8) “Excavator downtime” means lost time for an excavation project due to failure of one (1) or more stakeholders to comply with applicable damage prevention regulations.

(9) “Identified but unlocatable underground facility” means an underground facility which has been identified but cannot be located with reasonable accuracy.

(10) “Identified facility” means any underground facility which is indicated in the project plans as being located within the area of proposed excavation.

(11) “Locatable underground facility” means an underground facility which can be field-marked with reasonable accuracy.

(12) “Marking means the use of stakes, paint, or other clearly identifiable materials to show the field location of underground facilities, in accordance with the current color code standard of the American public works association. Markings shall include identification letters indicating the specific type of the underground facility.

(13) “One-number notification service” means a service through which a person can notify owners of underground facilities and request field-marking of their underground facilities.

(14) “Person” means an individual, partnership, association, corporation, a state, a city, a county, or any subdivision or instrumentality of a state, and its employees, agents, or legal representatives.

(15) “Reasonable accuracy” or “reasonably accurate” means location within twenty-four (24) inches horizontally of the outside dimensions of each side of an underground facility.

(16) “Rural underground facility owner” means an underground facility owner that is a public utility or a member-owned cooperative that serves fewer than five thousand (5,000) total customers in a county or counties with populations that do not exceed fifty thousand (50,000) people.

(17) “Stakeholder” means any party with an interest in protecting underground facilities, including, but not limited to, persons, property owners, underground facility owners, excavators, contractors, cities, counties, highway districts, railroads, public entities that deliver irrigation water and those engaged in agriculture.

(18) “Underground facility” means any item buried or placed below ground for use in connection with the storage or conveyance of water (unless being delivered primarily for irrigation), sewage, electronic, telephonic or telegraphic communi-

cations, cable television, electric energy, petroleum products, gas, gaseous vapors, hazardous liquids, or other substances and including, but not limited to, pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those parts of poles or anchors below ground.

(19) “Underground facility owner” means any person who owns or operates an underground facility.

**§ 55-2203. Damage Prevention Board.**

(1) The Idaho damage prevention board is hereby created and made a part of the division of building safety. The principal purpose of the board is to reduce damages to underground facilities and to promote safe excavation practices through education directed toward excavators, underground facility owners and the public at large. The board also shall review complaints of alleged violations of this chapter. It shall be the responsibility and duty of the administrator to administer this chapter, and the administrator shall exercise such powers and duties as are reasonably necessary to enforce the provisions of this chapter.

(2) The board shall consist of eleven (11) members, each of whom shall be appointed by and serve at the pleasure of the governor. All members of the board shall be qualified by experience, knowledge and integrity in formulating rules, reviewing complaints referred to it and assessing penalties, and properly performing the functions of the board. Of the eleven (11) members, one (1) each shall represent the interests of the following designated groups and be:

- (a) A city official or a county official;
- (b) An employee or elected official of a highway district;
- (c) An employee of the Idaho public utilities commission;
- (d) An employee or officer of a one-number notification service entity or a member of the Idaho utility coordinat-

ing council or similar cooperative statewide nonprofit organization created to coordinate the protection of underground facilities in specific geographic portions of the state;

(e) An employee or officer of an underground facility owner;

(f) An employee or officer of an underground pipeline facility owner;

(g) An employee or officer of a rural underground facility owner;

(h) An employee or officer of a contractor;

(i) An employee or officer of a building contractor;

(j) An employee or officer of an excavator; and

(k) An employee or owner of an agricultural enterprise, a representative of the agriculture industry, or an employee or an official of a public entity that delivers water for irrigation.

(3) Each member of the board shall serve a term of four (4) years, and such terms shall be staggered. The initial board shall have three (3) members whose terms expire July 1, 2018; four (4) members whose terms expire July 1, 2019; and four (4) members whose terms expire July 1, 2020. Thereafter, each board member shall be appointed for a term of four (4) years. No member of the board may be appointed to more than two (2) consecutive terms. A member may continue to serve until a successor is appointed. A successor must represent the same designated group that his predecessor was appointed to represent.

(4) The board shall meet within thirty (30) days after the appointment of all its members and thereafter at such other times as may be expedient and necessary for the proper performance of its duties, but the board shall hold at least two (2) regular meetings per year. At the board's first meeting, the mem-

bers shall elect one (1) of their number to be chairman and one (1) to serve as the vice chairman. The chairman may serve in such capacity for a one (1) year term and may not serve in such capacity for more than two (2) consecutive terms. A majority of the board shall constitute a quorum for the transaction of business. The administrator shall serve as the secretary to the damage prevention board.

(5) Each member of the board shall be compensated as provided by *section 59-509(n), Idaho Code*.

(6) Each member of the board who is a contractor shall be registered in accordance with *chapter 52, title 54, Idaho Code*, and shall be in good standing.

(7) The activities of the board shall be funded by a fee established by the board and promulgated in rule. Such fee shall be adopted by the board by no less than eight (8) affirmative votes at a meeting duly called for such purpose at which a quorum is present and shall be imposed uniformly upon all of the underground facility owners required by the provisions of this chapter to participate in and cooperate with the one-number notification service. The fee shall be assessed upon an underground facility owner each time such owner receives notice from a one-number notification service as required by *section 55-2205, Idaho Code*. The fee is established to defray the expense of the board and the division in supervising, regulating and administering the provisions of this chapter, and the provision of services hereunder. The fee assessed upon an underground facility owner shall be collected by a one-number notification service and payable to the board in accordance with a schedule and in a manner established by the board in rule. All fees collected by the board shall be deposited with the state treasurer to be credited to the damage prevention board fund established pursuant to *section 55-2204, Idaho Code*.

(8) The board shall cause educational materials regarding safe digging practices and the dangers of failing to provide notice prior to excavating to be prepared and distributed

statewide on an ongoing basis. The board may enter into agreements with other entities for this purpose.

(9) The board, by rule, may adopt or create training programs on all pertinent underground damage prevention topics, which may include, but are not limited to, safe excavation, locating and marking of facilities, determining facility damage, emergency procedures, excavator downtime, pre-marking of intended excavation areas, and procedures used when encountering unmarked facilities, for general use or for remedial training that may be ordered by the board pursuant to *section 55-2211, Idaho Code*.

(10) The board shall periodically review the effectiveness of the methods used for maintaining effective communications among stakeholders from receipt of an excavation notification until successful completion of the excavation and may adopt, by rule, methods to maintain or improve these communications among stakeholders.

(11) The board shall review complaints alleging violations of this chapter by any party against any other party subject to the jurisdiction of the board involving practices related to public safety and underground facilities damage prevention including, but not limited to, notification procedures, pre-marking of areas to be excavated, marking of facilities, excavation practices, excavator downtime, inaccurate location of facilities, untimely location of facilities, untimely commencement of excavation, failure of a permitting entity to reinstate a permit in a timely manner, failure of an underground facility owner to participate in a one-number notification service as required, or failure by a party to report damage data when required, and may impose appropriate training requirements or enforcement discipline as authorized by this chapter. The proceedings shall be governed by the provisions of *section 55-2211* and *chapter 52, title 67, Idaho Code*. Any party aggrieved by the action of the board shall be entitled to judicial review thereof in accordance with the provisions of *chapter 52, title 67, Idaho Code*.

(12) To continually evaluate and improve program effectiveness, the board shall analyze the data collected pursuant to *section 55-2208, Idaho Code*, including the number of reported damage and downtime events and trends, the causes of such damage and any recommendations to further reduce the number of damage or downtime events annually. The board shall make its analysis publicly available.

(13) The board shall adopt, by rule, a process for reviewing the adequacy of underground facility owners' use of internal performance measures for those locating underground facilities and recommending changes to improve such performance.

(14) The board shall adopt, by rule, a process for reviewing and promoting the use, by all appropriate stakeholders, of improving technologies that may enhance communications, underground facility locating capability and the gathering and analysis of appropriate data.

(15) The board is authorized and directed to promulgate rules consistent with this act for the administration of this chapter and to effectuate the purpose thereof, except as may be limited or prohibited by law and the provisions of this chapter.

(16) The board may exercise such powers and duties as are reasonably necessary to carry out the provisions of this chapter. The board is authorized to, and may among other activities:

(a) Hold meetings and attend or be represented at such meetings, prepare and publish rules pertaining to this section, make investigation or inquiry, conduct hearings, report findings and enter orders in matters over which the board has authority;

(b) Summon witnesses to appear and testify before it on any matter within the provisions of this chapter. No person shall be required to testify outside the county wherein he resides or where his principal place of business is located. A summons to testify shall be issued and served in like manner as a subpoena of a witness issued from the

district court or in any other manner consistent with the procedures of the division of building safety;

(c) Administer oaths and take affirmations of witnesses appearing before the board and appoint competent persons to issue subpoenas, administer oaths and take testimony, and appoint hearing officers;

(d) Impose civil penalties and conduct hearings related thereto for violations of this chapter or the rules of the board;

(e) Enter into agreements with any vendor or contractor to provide services or administer any obligation imposed on the board or the administrator by law, as well as the authority to make expenditures, and to make purchases in accordance with *chapter 57, title 67, Idaho Code*, to effectuate such agreements; and

(f) Delegate to the administrator the power to perform ministerial functions, conduct investigations, recommend and collect civil penalties on its behalf and appoint hearing officers.

(17) The board may establish by administrative rule the fines to be paid for penalties issued for violations of this chapter. In no case shall the penalty exceed the limits prescribed in *section 55-2211, Idaho Code*.

(18) The board may receive contributions, gifts and grants on behalf of and in aid of the program. Such contributions, gifts and grants shall be deposited in the damage prevention board fund established pursuant to *section 55-2204, Idaho Code*.

**§ 55-2204. Damage Prevention Board Fund Established – Use of Funds.**

(1) All moneys received by the administrator under the terms and provisions of this chapter shall be paid into the state treasury as directed by the provisions of *section 59-1014, Idaho Code*, and shall be held by the state treasurer in a dedicated fund to be known as the damage prevention board fund and, other than as prescribed in subsection (2) of this section, all such moneys placed in said fund shall be set aside and appropriated to the division of building safety to carry into effect the provisions of this chapter.

(2) All moneys received from civil penalties collected under the provisions of this chapter shall be deposited into the damage prevention board fund and shall be spent exclusively in support of board activities to develop and disseminate educational programming designed to improve worker and public safety relating to excavation and underground facilities.

**§ 55-2205. Permit Compliance – Notice of Excavation – Response to Notice – Compensation for Failure to Comply – Exemptions.**

- (1) Before commencing excavation, the excavator shall:
- (a) Comply with other applicable law or permit requirements of any public agency issuing permits;
  - (b) Pre-mark on-site the path of excavation with white paint or, as the circumstances require, other reasonable means that will set out clearly the path of excavation. An excavator need not pre-mark as required in this subsection if:
    - (i) The underground facility owner or its agent can determine the location of the proposed excavation by street address or lot and block by referring to a locate ticket; or

(ii) The excavator and underground facility owner have had a meeting prior to the beginning of the proposed excavation at the excavation site for the exchange of information required under this subsection.

(c) Provide notice of the scheduled commencement of excavation to all underground facility owners through a one-number notification service. If no one-number notification service is available, notice shall be provided individually to those owners of underground facilities known to have or suspected of having underground facilities within the area of proposed excavation. The notice shall be communicated by the excavator to the one-number notification service or, if no one-number notification is available, to the owners of underground facilities not less than two (2) business days nor more than ten (10) business days before the scheduled date for commencement of excavation, unless otherwise agreed in writing by the parties.

(2) Upon receipt of the notice provided for in this section, the underground facility owner or the owner's agent shall locate and mark its locatable underground facilities by surface-marking the location of the facilities. If there are identified but unlocatable underground facilities, the owner of such facilities or the owner's agent shall locate and mark the underground facilities in accordance with the best information available to the owner of the underground facilities and with reasonable accuracy as defined in *section 55-2201(15), Idaho Code*. The owner of the underground facility or the owner's agent providing the information shall respond no later than two (2) business days after the receipt of the notice or before the excavation time set forth in the excavator's notice, at the option of the underground facility owner, unless otherwise agreed in writing by the parties. Excavators shall not excavate until all known facilities have been marked. Once marked by the owner of the underground facility, or the owner's agent, the excavator is responsible for

maintaining the markings. Unless otherwise agreed in writing by the parties, maintained markings shall be valid for purposes of the notified excavation for a period of no longer than three (3) consecutive weeks following the date of notification so long as it is reasonably apparent that site conditions have not changed so substantially as to invalidate the markings. If excavation has not commenced within three (3) weeks from the original notice to underground facility owners through the one-number notification service, the excavator shall reinitiate notice in accordance with this section.

(a) Excavators shall have the right to receive compensation from the owner of the underground facility for costs incurred if the owner of the underground facility does not locate its facilities in accordance with this chapter.

(b) The owner of the underground facility shall have the right to receive compensation for costs incurred in responding to excavation notices given less than two (2) business days prior to the excavation except for notices given for discovered facilities after the owner has identified facilities.

(3) Emergency excavations are exempt from the time requirements for notification provided in this section.

(4) If the excavator, while performing the excavation, discovers underground facilities (whether active or abandoned) which are not identified or were not located with reasonable accuracy, the excavator shall cease excavating in the vicinity of the facility and immediately notify the owner or operator of such facilities, or the one-number notification service. The excavator shall have the right to receive compensation from the underground facility owner for standby cost (based on standby rates made publicly available) incurred as a result of waiting for the underground facility owner or the owner's agent to arrive at the work site to identify the unidentified facilities and provided that if the underground facility owner or the owner's agent sup-

plies reasonably accurate locate information within eight (8) hours of the time that the excavator notifies the underground facility owner of facilities not previously located, the excavator's compensation for delay of the excavation project shall be limited to actual costs or two thousand dollar (\$2,000), whichever is less.

**§ 55-2206. One-Number Notification Service – Establishment – Participation Required – Funding.**

Two (2) or more persons who own or operate underground facilities in a county may voluntarily establish or contract with a third person to provide a one-number notification service to maintain information concerning underground facilities within a county. Upon the establishment of the first such one-number notification service, all others operating and maintaining underground facilities within said county shall participate and cooperate with the service, and no duplicative service shall be established pursuant to this chapter. The activities of the one-number locator service shall be funded by all of the underground facility owner/operators required by the provisions of this section to participate in and cooperate with the service. All underground facility owner/operators who are required to participate in a one-number notification service are subject to the jurisdiction of the damage prevention board established in *section 55-2203, Idaho Code*.

**§ 55-2207. Excavation Contracts – Limitations – Precautions to Avoid Damage – Liability for Damage.**

(1) Project owners shall indicate in bid or contract documents the existence of underground facilities known by the project owner to be located within the proposed area of excavation.

(2) An excavator shall use reasonable care to avoid damaging underground facilities. An excavator shall:

(a) Determine by hand digging, in the area twenty-four (24) inches or less from the facilities, the precise actual location of underground facilities which have been marked;

(b) Plan the excavation to avoid damage to or minimize interference with underground facilities in and near the excavation area; and

(c) Provide such support for underground facilities in and near the construction area, including during backfill operations, as may be reasonably necessary for the protection of such facilities.

(3) If an underground facility is damaged and such damage is the consequence of the failure to fulfill an obligation under this chapter, the party failing to perform that obligation shall be liable for any damages to the underground facility owner. Nothing in this chapter prevents the parties to an excavation contract from contracting with respect to the allocation of risk for changed or differing site conditions.

(4) In any action brought under this section, the prevailing party is entitled to reasonable attorney's fees.

**§ 55-2208. Damage to Underground Facilities – Duties of Excavator and Owner – Reporting of Data.**

(1) An excavator who, in the course of excavation, contacts or damages an underground facility shall notify the underground facility owner and the one-number notification service. If the damage causes an emergency condition or an actual breach of an underground facility that releases gas or hazardous liquids into the surrounding environment, the excavator causing the damage shall also alert the appropriate local public safety agencies by, at a minimum, calling 911, and take all appropriate

steps to ensure the public safety. No damaged underground facility may be buried until it is repaired or relocated.

(2) The owner of the underground facilities damaged shall arrange for repairs or relocation as soon as is practical or may permit the excavator to do necessary repairs or relocation at a mutually acceptable price.

(3) Any party responsible for damages to an underground facility shall be liable for the cost of repairs.

(4) The board shall adopt by rule a procedure for the processing of claims related to damages to underground facilities.

(5) Underground facility owners and excavators who observe, suffer or cause damage to an underground facility or observe, suffer or cause excavator downtime related to a failure of one (1) or more stakeholders to comply with applicable damage prevention regulations shall report such information to the board in accordance with the rules promulgated by the board. Reporting of such data does not constitute a complaint provided for in *section 55-2211, Idaho Code*.

### **§ 55-2209. Duties of Public Agency Issuing Excavation, Building or Other Similar Permits.**

(1) Any public agency, as defined in *section 67-2327, Idaho Code*, that has the authority to issue excavation, building or other similar permits shall notify persons seeking such permits of the existence of this chapter and the one-number notification service telephone number.

(2) A permit shall not be valid for excavation until or unless the notice provisions of this section have been complied with, and the portion of the permit directly relating to excavation may be suspended by the issuing public agency if the permit holder violates any provisions of this chapter. The issuing public agency shall reinstate the permit at no charge within for-

ty-eight (48) hours of receiving evidence of compliance with the provisions of this chapter.

**§ 55-2210. Excavations Exempt from Notice Requirement.**

Unless facts exist which would reasonably cause an excavator to believe that an underground facility exists within the depth of the intended excavation, the following excavations shall not require notice of the excavation pursuant to *section 55-2205(1)(c), Idaho Code*:

(1) An excavation of less than fifteen (15) inches in vertical depth outside the boundaries of an underground facility easement of public record or private property.

(2) The tilling of soil to a depth of less than fifteen (15) inches for agricultural practices.

(3) The extraction of minerals within recorded mining claims or excavation within material sites legally located and of record, unless such excavation occurs within the boundaries of an underground facility easement.

(4) Normal maintenance of roads, streets and highways, including cleaning of roadside drainage ditches and clear zones, to a depth of fifteen (15) inches below the grade established during the design of the last construction of which underground facility owners were notified and which excavation will not reduce the authorized depth of cover of an underground facility.

(5) Replacement of highway guardrail posts, sign posts, delineator posts, culverts, and traffic control device supports in the same approximate location and depth of the replaced item within public highway rights-of-way.

(6) Normal maintenance of railroad rights-of-way, except where such rights-of-way intersect or cross public roads, streets, highways, or rights-of-way adjacent thereto, or recorded underground facility easements.

**§ 55-2211. Violation – Civil Penalty – Duties of the Board and the Administrator – Other Remedies Unimpaired.**

(1) The damage prevention board established in *section 55-2203, Idaho Code*, may hear, but may not initiate, contested cases of alleged violations of this chapter involving practices related to underground facilities as set forth in rules by the board. Persons who violate the provisions of this chapter are subject to civil penalties in accordance with this section. Complaints regarding an alleged violation of this chapter may be made by any individual and shall be made to the administrator. Complaints shall include the name and address of the complainant and the alleged violator, and the violation alleged. If the alleged violation involves facility damage or a downtime event, the complaint must be submitted on such forms and contain such information as required by the board in rule. Upon review of the complaint, and any investigation conducted therewith, the administrator shall notify the person making the complaint and the alleged violator, in writing, of the administrator's recommended course of action to the board. The administrator shall recommend that a training course adopted by the board, by rule, be successfully completed for a first violation of this chapter, except that if the complaint is for a first violation of this chapter wherein a residential homeowner or residential tenant excavating on the lot of his residency failed to provide notice as required in *section 55-2205, Idaho Code*, and caused damage to underground facilities, the board shall direct the administrator to deliver to the violator a written warning and educational materials to prevent a future violation. The administrator may recommend the imposition of a civil penalty in an amount not to exceed one thousand dollars (\$1,000) for a second violation of this chapter and in addition may recommend successful completion of a training course adopted by the board, by rule, and issue a notice of intent to impose such penalty on behalf of the board. If the administrator recommends the imposition of a civil penalty, the violator may pay the fine to the board upon receipt of

such notice. If, upon the expiration of twenty-one (21) days, the violator has not responded in writing to the division, the board may impose the penalty provided for in the notice. A violator shall also have the right to contest the imposition of a civil penalty to the board and the opportunity to produce evidence in his behalf. Notice of the time and place of such hearing shall be provided by the board, and such proceeding shall be governed by the provisions of *chapter 52, title 67, Idaho Code*.

(2) In the event the board determines that a person has violated the provisions of this chapter a subsequent time within eighteen (18) months from an earlier violation, and where facility damage has occurred, the board may impose a civil penalty of not more than five thousand dollars (\$5,000) for each separate violation in accordance with the process described in subsection (1) of this section.

(3) All civil penalties recovered shall be deposited in the underground facility damage prevention board fund and used pursuant to *section 55-2204 (2), Idaho Code*.

(4) The penalties provided in this section are in addition to any other remedy at law or equity available to any party subject to the jurisdiction of the damage prevention board established in *section 55-2203, Idaho Code*.

(5) Unless expressly provided herein, nothing in this chapter eliminates, alters or otherwise impairs common law, statutory or other preexisting rights and duties of persons affected by the provisions of this chapter; nor does anything in this chapter, unless expressly so provided, eliminate, alter or otherwise impair other remedies, state or federal, including those at common law, of an underground facility owner whose facility is damaged; nor do the provisions of this chapter affect any civil remedies for personal injury or property damage except as expressly provided for herein. The court in its discretion may award attorney's fees and costs to the prevailing party.

**§ 55-2212. Waiver Permitted by Owner of Underground Facility.**

The notification and marking provisions of this chapter may be waived for one or more designated persons by an underground facility owner with respect to all or part of that underground facility owner's own underground facilities.

# DAMAGE PREVENTION BOARD

## Agenda Item No. 06

## Letter to Permitting Agencies

**PRESENTER:** Mark Van Slyke - Chairman

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**OBJECTIVE:** Notify permitting agencies of the change in statutes with the damage prevention enforcement program.

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**ACTION:** Review the proposed letter for distribution to permitting agencies.

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**BACKGROUND:**

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**PROCEDURAL  
HISTORY:**

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**ATTACHMENTS:** Proposed Letter to Public Agencies Issuing Permits

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C.L. "BUTCH" OTTER  
Governor  
Chris L. Jensen  
Administrator

***Building a Safer Idaho***

1090 East Watertower Street Suite 150  
Meridian, Idaho 83642  
Main # 1-800-955-3044  
Fax # 1-877-810-2840  
[dbs.idaho.gov](http://dbs.idaho.gov)

To whom it may concern:

As a public agency issuing permits within the State of Idaho, please consider this as an advisory notice to insure the requirements of Idaho Statute §55-2209 (included below for reference) are being met.

**State of Idaho Statute 55-22. UNDERGROUND FACILITIES DAMAGE PREVENTION**

**§55-2209. Duties of Public Agency Issuing Excavation, Building or Other Similar Permits.**

(1) Any public agency, as defined in *section 67-2327, Idaho Code*, that has the authority to issue excavation, building or other similar permits shall notify persons seeking such permits of the existence of this chapter and the one-number notification service telephone number.

(2) A permit shall not be valid for excavation until or unless the notice provisions of this section have been complied with, and the portion of the permit directly relating to excavation may be suspended by the issuing public agency if the permit holder violates any provisions of this chapter. The issuing public agency shall reinstate the permit at no charge within forty-eight (48) hours of receiving evidence of compliance with the provisions of this chapter.

A complete copy of Idaho Statute 55-22. UNDERGROUND FACILITIES DAMAGE PREVENTION is available on the Idaho Division of Building Safety website at: [dbs.idaho.gov](http://dbs.idaho.gov).

Public agencies issuing permits throughout the State of Idaho are key stakeholders in the effort to reduce and eliminate damage to underground facilities. Your commitment to this direction has a positive impact on safety and is greatly appreciated.

The Division of Building Safety and Idaho Damage Prevention Board can be reached at; 1-800-955-3044 should you have any questions or comments.

Thank you.

# DAMAGE PREVENTION BOARD

**Agenda Item No. 07**

**Negotiated Rulemaking Public Hearing**

**PRESENTER:** Mark Van Slyke - Chairman

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**OBJECTIVE:** Review proposed rules for Damage Prevention Board.

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**ACTION:** Public input on 'draft' rules for the Damage Prevention Board.

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**BACKGROUND:**

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**PROCEDURAL  
HISTORY:**

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**ATTACHMENTS:** Proposed Rule on Education and Training 55-2203 (9), (13), (14)  
Proposed Rule on Civil Penalties 55-2203 (17)  
Proposed Rule on Complaint Process 55-2211

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**Proposed rules draft for 55-2203 (9), (13), (14)**

**Sub-committee #1: Vaughn Rasmussen (chair), Joe Leckie, Mark Van Slyke, Jerry Piper, Linda Phillips**

**011. EDUCATIONAL AND TRAINING MATERIALS 55-2203(9)**

1. It is the intent of this rule to eliminate damage to underground facilities by providing education and training materials to all Stakeholders throughout Idaho. The Division of Building Safety, Damage Prevention Board will make available to all Stakeholders current educational materials that will train and promote acceptable underground facilities damage prevention practices. Education and training materials will be qualified and provided by subject matter experts recognized in the State of Idaho as well as throughout the United States.
2. Division of Building Safety will maintain a data base of education and training materials that can be updated as needed.
3. Should a Stakeholder as a result of a violation of this chapter be required to complete remedial training, Division of Building Safety will maintain validation of successful completion of required training for two years from date of completion.

**012. ADEQUACY OF UNDERGROUND FACILITY OWNERS LOCATING UNDERGROUND FACILITIES. 55-2203(13)**

1. The board will review all Stakeholder complaints of violation related to underground facility line locating generally accepted practices and procedures. The Stakeholder will make remedial action to improve line locating performance and will monitor and report performance improvements to the board.

**013. STAKEHOLDERS IMPROVING TECHNOLOGY AND COMMUNICATIONS. 55-2203(14)**

2. The board on an annual basis, will review and adopt available technology and communications material that promotes effective underground facility locating. The board will make available to all Stakeholders any appropriate technology and communications material and can be found on the Division of Building website @ <http://dbs.idaho.gov>.
3. The board by random sample of Stakeholder provided data, will review the use of adopted technology and communications material to insure the utilization of appropriate materials. The Division of Building Safety will utilize an approved data base that allows for gathering and analyzing of referenced Stakeholder data.

**§ 55-2203. Damage Prevention Board. (Included for reference)**

(1) The Idaho damage prevention board is hereby created and made a part of the division of building safety. The principal purpose of the board is to reduce damages to underground facilities and to promote safe excavation practices through education directed toward excavators, underground facility owners and the public at large. The board also shall review complaints of alleged violations of this chapter. It shall be the responsibility and duty of the administrator to administer this chapter, and the administrator shall exercise such powers and duties as are reasonably necessary to enforce the provisions of this chapter.

(8) The board shall cause educational materials regarding safe digging practices and the dangers of failing to provide notice prior to excavating to be prepared and distributed statewide on an ongoing basis. The board may enter into agreements with other entities for this purpose.

(9) The board, by rule, may adopt or create training programs on all pertinent underground damage prevention topics, which may include, but are not limited to, safe excavation, locating and marking of facilities, determining facility damage, emergency procedures, excavator downtime, pre-marking of intended excavation areas, and procedures used when encountering unmarked facilities, for general use or for remedial training that may be ordered by the board pursuant to *section 55-2211, Idaho Code*.

(10) The board shall periodically review the effectiveness of the methods used for maintaining effective communications among stakeholders from receipt of an excavation notification until successful completion of the excavation and may adopt, by rule, methods to maintain or improve these communications among stakeholders.

(13) The board shall adopt, by rule, a process for reviewing the adequacy of underground facility owners' use of internal performance measures for those locating underground facilities and recommending changes to improve such performance.

(14) The board shall adopt, by rule, a process for reviewing and promoting the use, by all appropriate stakeholders, of improving technologies that may enhance communications, underground facility locating capability and the gathering and analysis of appropriate data.

**IDAPA 07  
TITLE 10  
CHAPTER 01**

**07.10.01 - RULES GOVERNING THE DAMAGE PREVENTION BOARD,  
DIVISION OF BUILDING SAFETY**

**000. LEGAL AUTHORITY.**

The Idaho Damage Prevention Board of the Division of Building Safety is authorized under Section 55-2203, Idaho Code, to promulgate rules consistent with the act for the administration of Title 55, Chapter 22, Idaho Code, to effectuate the purposes thereof. ( )

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 07.10.01, "Rules Governing the Damage Prevention Board, Division of Building Safety." ( )

**02. Scope.** These rules shall be applicable to underground facilities, and facility owners as established in Title 55, Chapter 22, Idaho Code. ( )

**002. WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency may have written statements that pertain to the interpretation of the rules of this chapter, or to compliance with the rules of this chapter. Any such documents are available for public inspection and copying at cost at the Idaho Division of Building Safety offices. ( )

**003. ADMINISTRATIVE APPEALS.**

IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," Section 100, et seq., shall apply to contested cases, in addition to the provisions of Title 55, Chapter 22, Idaho Code. ( )

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference into these rules. ( )

**005. OFFICE – OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS.**

The principal place of business of the Damage Prevention Board is at the Division of Building Safety office located at 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. The Damage Prevention Board may also be contacted at 1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho 83814, and at 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. All locations are open from 8:00 a.m. to 5:00 p.m., except Saturday, Sunday and legal holidays. The telephone number of the office is (208) 334-3950. The facsimile number of the office is 1-877-810-2840. The Department website is <http://dbs.idaho.gov>. ( )

**006. PUBLIC RECORDS ACT COMPLIANCE.**

The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. ( )

**007. FUNDING OF BOARD ACTIVITIES.**

Each owner of an underground facility shall pay a fee of ten cents (\$.10) each time such owner receives notice from a one-number notification service as required by Section 55-2205, Idaho Code. The fee assessed upon the underground facility owner shall be collected by the one-number notification service, and shall be payable to the board in accord with the following schedule: ( )

**01. Fee Assessed.** The fee shall be assessed on an underground facility owner for each notification

issued by the one-number notification service to the underground facility owner, with the one-number notification service required to submit a summary of the number of notices issued in a given month to the board no later than fifteen (15) days following the end of the month in which the notices were issued. ( )

**02. Payment Submission.** The one-number notification service shall submit payment to the board for all payments received from underground facility owners no later than seventy (70) days following the end of the month in which the notices were issued to the facility owners. In those cases where the payment from the underground utility owner is received after the seventy (70) day period, the one-number service shall include late payments in its next payment to the board. ( )

**03. Notices Issued.** The one-number notification service shall also submit a detailed list of notices issued, including the facility owner's contact information, for which payment has not been received within the seventy (70) day period following the end of the month in which the notices were issued. Such list shall be updated on a monthly basis to reflect the status of all past-due payments due from underground utility owners that have not been received. ( )

**04. Civil Penalties.** Underground facility owners failing to submit payment to the one-number notification service in a timely manner shall be subject to the imposition of civil penalties and other remedies referenced in Title 55, Chapter 22, Idaho Code. ( )

**008. AUDIT OF ONE-NUMBER SERVICE RECORDS.**

The board shall have the right to review and audit the payment records of any one-number notification service relating to the collection of the ten cent (\$.10) fee imposed on underground facility owners. In the event the board wishes to conduct a review and/or audit of a one-number notification service, the board shall provide no less than a five (5) business day advance notice of the intended action. The board may delegate any responsibilities contained herein this chapter to the Division of Building Safety. ( )

**009. CIVIL PENALTIES**

The Idaho Damage Prevention Board is authorized under Section 55-2203 (17), Idaho Code, to establish by administrative rule the fines to be paid for civil penalties issued for violations of Title 55, Chapter 22, Idaho Code. To the extent authorized by Section 55-2211, Idaho Code the following acts shall subject the violator to penalties based on the following schedule. (- -18)

**01. Pre-marking Excavation Site.** Any person who fails to adequately pre-mark onsite the path of proposed excavation as reasonably required under the circumstances in accordance with section 55-2205 (1) (b) shall be subject to a civil penalty of not more than one thousand dollars (\$1,000) for a second offense and a civil penalty of not more than five thousand dollars (\$5,000) for each offense that occurs thereafter within eighteen months from an earlier violation, and where facility damage has occurred. (- -18)

**02. Notice of Excavation.** Any person who fails to provide notice of the scheduled commencement of excavation to any underground facility owner through a one-number notification service, or directly to a facility owner within the prescribed time as required by section 55-2205 (1) (c) shall be subject to a civil penalty of not more than one thousand dollars (\$1,000) for a second offense and a civil penalty of not more than five thousand dollars (\$5,000) for each offense that occurs thereafter within eighteen months from an earlier violation, and where facility damage has occurred. (- -18)

**03. One Number Notification to Facility Owner.** A one-number notification service that fails to provide notice of a scheduled excavation upon notification from an excavator shall be subject to a civil penalty of not more than one thousand dollars (\$1,000) for a second offense and a civil penalty of not more than five thousand dollars (\$5,000) for each offense that occurs thereafter within eighteen months from an earlier violation, and where facility damage has occurred. (- -18)

**04. Failure to Locate or Mark.** An underground facility owner who fails to locate and mark its underground facilities in accordance with section 55-2205 (2), Idaho Code or within the prescribed time provided therein shall be subject to a civil penalty of not more than one thousand dollars (\$1,000) for a second offense and a

civil penalty of not more than five thousand dollars (\$5,000) for each offense that occurs thereafter within eighteen months from an earlier violation, and where facility damage has occurred. (- -18)

**05. Failure to Wait for Locate or Maintain Markings.** An excavator who commences excavator prior to waiting all known facilities to be located and marked, or an excavator who fails to maintain the markings of underground facilities previously so marked subsequent to the commencement of excavation in accordance with section 55-2205 (2), Idaho Code shall be subject to a civil penalty of not more than one thousand dollars (\$1,000) for a second offense and a civil penalty of not more than five thousand dollars (\$5,000) for each offense that occurs thereafter within eighteen months from an earlier violation, and where facility damage has occurred. (- -18)

**06. Failure to Cease Excavation or Report Unidentified Facilities.** An excavator who does not cease excavator in the immediate vicinity upon the discovery of underground facilities therein, whether active or abandoned which were not previously identified or located with reasonable accuracy, or does not notify the owner or operator of the facilities, or a one-number notification service in accordance with section 55-2205 (4), Idaho Code shall be subject to a civil penalty of not more than one thousand dollars (\$1,000) for a second offense and a civil penalty of not more than five thousand dollars (\$5,000) for each offense that occurs thereafter within eighteen months from an earlier violation, and where facility damage has occurred.. (- -18)

**07. Failure to Identify Facilities in Contract Documents.** Project owners who fail to indicate in bid or contract documents the existence of underground facilities known by the owner to be located within the proposed area of excavation in accordance with section 55-2207, Idaho Code shall be subject to a civil penalty of not more than one thousand dollars (\$1,000) for a second offense and a civil penalty of not more than five thousand dollars (\$5,000) for each offense that occurs thereafter within eighteen months from an earlier violation, and where facility damage has occurred.. (- -18)

**08. Precautions to Avoid Damage.** An excavator who does not engage in the activities required by section 55-2207 (2) or use reasonable care to avoid damage to underground facilities shall be subject to a civil penalty of not more than one thousand dollars (\$1,000) for a second offense and a civil penalty of not more than five thousand dollars (\$5,000) for each offense that occurs thereafter within eighteen months from an earlier violation, and where facility damage has occurred.. (- -18)

**09. Reporting of Damage to Facility.** An excavator who fails to report to a facility owner and a one-number notification service any contact or damage to an underground facility caused by such excavator in the course of excavation, or fails to alert an appropriate authority upon an actual breach of a facility which causes the release of gas or hazardous liquids as required by section 55-2208 (1), Idaho Code shall be subject to a civil penalty of not more than one thousand dollars (\$1,000) for a second offense and a civil penalty of not more than five thousand dollars (\$5,000) for each offense that occurs thereafter within eighteen months from an earlier violation, and where facility damage has occurred.. (- -18)

**10. Gross Violation.** In the case of continued, repeated or gross violation of Title 55, Chapter 22, Idaho Code, or IDAPA 07.10.01, (- -18)

**11. Judicial Review.** Any party aggrieved by the final action of the Idaho Damage Prevention Board shall be entitled to a judicial review thereof in accordance with the provisions of title 67, chapter 52, Idaho Code.

**12. Second Offense.** For the purpose of this section a second offense shall be deemed to be any violation of title 55, chapter 22 for which a civil penalty may be imposed in accordance with this section which occurs within five (5) years (but not within 18 months) of a previous violation of any provision.

**0109. -- 999. (RESERVED)**



**IDAHO DAMAGE PREVENTION BOARD  
STATE OF IDAHO DIVISION OF BUILDING SAFETY**

1090 East Watertower Street, Suite 150  
Meridian, Idaho 83642  
Ph: 800-955-3044  
Fax: 877-810-2840

Email: [customer.service@dbs.idaho.gov](mailto:customer.service@dbs.idaho.gov)  
[dbs.idaho.gov](http://dbs.idaho.gov)

**DAMAGE PREVENTION COMPLAINT FORM**

This complaint form is authorized pursuant to section 55-2011, Idaho Code, and the rules of the Damage Prevention Board. It is a public record subject to the provisions of chapter 2, title 74, Idaho Code. This document is a formal complaint form from which discipline may be imposed on the alleged violator pursuant to section 55-2211, Idaho Code. General reports of underground facility damage or excavator downtime, which are not complaints but required by section 55-2208(5), Idaho Code should be made separately in accordance with procedures established by the Board.

**Company or Person(s) making the complaint:** \_\_\_\_\_

\_\_\_\_\_  
Address City State Zip

\_\_\_\_\_  
Phone Number Email Address

**Company or Person(s) committing alleged violation:** \_\_\_\_\_

\_\_\_\_\_  
Address City State Zip

\_\_\_\_\_  
Phone Number Email Address

Location of alleged violation: \_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip

Date(s) of alleged violation: \_\_\_\_\_

Date(s) Complainant became aware of alleged violation (if different): \_\_\_\_\_

Description of alleged violation (attach additional pages if necessary): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**IDAHO DAMAGE PREVENTION BOARD  
STATE OF IDAHO DIVISION OF BUILDING SAFETY**

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Meridian, Idaho 83642  
Ph: 800-955-3044  
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[dbs.idaho.gov](http://dbs.idaho.gov)

Did the violation cause damage to an underground facility?  Yes  No

If yes, explain: \_\_\_\_\_

Did the violation cause excavator downtime?  Yes  No

If yes, explain: \_\_\_\_\_

Please include any additional documents, photographs, invoices, contracts and/or other relevant information in support of the complaint and attach it to this complaint form.

I swear (or affirm) under penalty of perjury that the foregoing information is true, complete, and correct. Additionally, I agree to assist the Division and Board in the resolution of this complaint, and if necessary appear before the board to verify and support the information contained in this complaint.

\_\_\_\_\_  
Name (Print or Type)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date Executed

**IDAPA 07  
TITLE 10  
CHAPTER 01**

**07.10.01 - RULES GOVERNING THE DAMAGE PREVENTION BOARD, DIVISION OF  
BUILDING SAFETY**

**000. LEGAL AUTHORITY.**

The Idaho Damage Prevention Board of the Division of Building Safety is authorized under Section 55-2203, Idaho Code, to promulgate rules consistent with the act for the administration of Title 55, Chapter 22, Idaho Code, to effectuate the purposes thereof. (12-1-16)T

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 07.10.01, "Rules Governing the Damage Prevention Board, Division of Building Safety." (12-1-16)T

**02. Scope.** These rules shall be applicable to underground facilities, and facility owners as established in Title 55, Chapter 22, Idaho Code. (12-1-16)T

**002. WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency may have written statements that pertain to the interpretation of the rules of this chapter, or to compliance with the rules of this chapter. Any such documents are available for public inspection and copying at cost at the Idaho Division of Building Safety offices. (12-1-16)T

**003. ADMINISTRATIVE APPEALS.**

IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," Section 100, *et seq.*, shall apply to contested cases, in addition to the provisions of Title 55, Chapter 22, Idaho Code. (12-1-16)T

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference into these rules. (12-1-16)T

**005. OFFICE – OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS.**

The principal place of business of the Damage Prevention Board is at the Division of Building Safety office located at 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. The Damage Prevention Board may also be contacted at 1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho 83814, and at 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. All locations are open from 8:00 a.m. to 5:00 p.m., except Saturday, Sunday and legal holidays. The telephone number of the office is (208) 334-3950. The facsimile number of the office is 1-877-810-2840. The Department website is <http://dbs.idaho.gov>. (12-1-16)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. (12-1-16)T

**007. FUNDING OF BOARD ACTIVITIES.**

Each owner of an underground facility shall pay a fee of ten cents (\$.10) each time such owner receives notice from a one-number notification service as required by Section 55-2205, Idaho Code. The fee assessed upon the underground facility owner shall be collected by the one-number notification service, and shall be payable to the board in accord with the following schedule: (12-1-16)T

**01. Fee Assessed.** The fee shall be assessed on an underground facility owner for each notification issued by the one-number notification service to the underground facility owner, with the one-number notification service required to submit a summary of the number of notices issued in a given month to the board no later than fifteen (15) days following the end of the month in which the notices were issued. (12-1-16)T

**02. Payment Submission.** The one-number notification service shall submit payment to the board for all payments received from underground facility owners no later than seventy (70) days following the end of the month in which the notices were issued to the facility owners. In those cases where the payment from the underground utility owner is received after the seventy (70) day period, the one-notification service shall include late payments in its next payment to the board. (12-1-16)T

**03. Notices Issued.** The one-number notification service shall also submit a detailed list of notices issued, including the facility owner's contact information, for which payment has not been received within the seventy (70) day period following the end of the month in which the notices were issued. Such list shall be updated on a monthly basis to reflect the status of all past-due payments due from underground utility owners that have not been received. (12-1-16)T

**04. Civil Penalties.** Underground facility owners failing to submit payment to the one-number notification service in a timely manner shall be subject to the imposition of civil penalties and other remedies referenced in Title 55, Chapter 22, Idaho Code. (12-1-16)T

**008. AUDIT OF ONE-NUMBER SERVICE RECORDS.**

The board shall have the right to review and audit the payment records of any one-number notification service relating to the collection of the ten cent (\$.10) fee imposed on underground facility owners. In the event the board wishes to conduct a review and/or audit of a one-number notification service, the board shall provide no less than a five (5) business day advance notice of the intended action. The board may delegate any responsibilities contained herein this chapter to the Division of Building Safety. (12-1-16)T

**009. DAMAGE PREVENTION COMPLAINTS**

**01. Complaint Forms.** Persons may submit written complaints to the administrator regarding an alleged violation of chapter 22, title 55, Idaho Code on such forms as required by the Division of Building Safety. Forms are available at the Division of Building Safety offices located at 1090 E. Watertower St., Suite 150, Meridian, Idaho 83642; 1250 Ironwood Dr., Ste. 220, Coeur d'Alene, Idaho 83814; and 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. They may also be

accessed electronically on the Division's website at <http://dbs.idaho.gov/>. Complaints filed with the administrator shall also be served concurrently on the alleged violator by the person submitting the complaint.

**02. Contents.** Complaints shall include the name and address of the complainant and the alleged violator, the date and location of the alleged violation, as well as a complete description of the nature of the violation alleged, including whether it resulted in damage to an underground facility or an excavator downtime event. Complainants may also provide additional documentation in support of a complaint. Complaints shall be accompanied by a sworn declaration from the complainant declaring that the information contained therein is true and accurate. The administrator may request additional information or documents in support of the complaint. Complaint forms shall be subject to chapter 1, title 74, Idaho Code.

**03. Complaint Procedures and Timelines.** The following timelines and procedure shall govern the process of filing and administering complaints related to violations of title 55, chapter 22, Idaho Code, and the rules of the damage prevention board.

**a. Initial Filing.** Complaints shall be submitted to the administrator not later than thirty (30) days from the date of the violation giving rise to the complaint or from the date the violation should have reasonably been discovered by the Complainant, whichever is later.

**b. Response.** The administrator shall notify the alleged violator of the complaint and request a response and any additional information from the alleged violator as may be necessary. The alleged violator shall be afforded not more than thirty (30) days from the date they are notified of the complaint by the administrator in which to provide a response to the administrator.

**c. Recommendation.** Upon receipt of the alleged violator's response, or at the conclusion of the thirty (30) day response period, the administrator shall notify the Complainant and the alleged violator of his recommended course of action. Such recommended course of action shall be provided to the parties not later than (30) days from the date of receipt of the response by the alleged violator. The administrator may extend the period of time in which to determine a recommended course of action, and so notify the parties, if such is necessary to further review or investigate the complaint.

**d. Contest.** In accordance with section 55-2211, Idaho Code, the alleged violator shall have the right to contest the imposition of a civil penalty before the damage prevention board. Notice of such contest shall be provided by the alleged violator not more than thirty (30) days after receipt of the administrator's recommended course of action. Recommendations of the administrator regarding complaints may be reviewed by the Board at its next regularly scheduled meeting.

## **010 CLAIMS AND REPORTS OF DAMAGE OR EXCAVATOR DOWNTIME**

**01. Claims.** Claims for the cost of repairs for damaged underground facilities shall be enforced by the affected underground facility owner in accordance with procedures as may be established by the facility owner, and in accordance with applicable law. Underground facility owners shall provide notice to excavator contractors of such procedures, along with sufficient information supporting the basis for the amount of a claim within six (6) months from the date of the event giving rise to the claim or from

the date the event should have reasonably been discovered by the underground facility owner, whichever is later.

**02. Reports.** Underground facility owners and excavators who observe, suffer or cause damage to an underground facility or observe, suffer or cause excavator downtime related to a failure of one (1) or more stakeholders to comply with applicable damage prevention statutes or regulations shall report such information to the board on forms or by such method adopted for such by the Board. Forms are available at the Division of Building Safety offices located at 1090 E. Watertower St., Suite 150, Meridian, Idaho 83642; 1250 Ironwood Dr., Ste. 220, Coeur d'Alene, Idaho 83814; and 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. They may also be accessed electronically on the Division's website at <http://dbs.idaho.gov/>.

# DAMAGE PREVENTION BOARD

## Agenda Item No. 08

## Subcommittee Reports

**PRESENTER:** Various Board Members

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**OBJECTIVE:** Subcommittee Reports

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**ACTION:** Review materials presented by subcommittees.

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**BACKGROUND:** Formation of three subcommittees and the statutory tasks assigned each committee.

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### **PROCEDURAL HISTORY:**

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**ATTACHMENTS:** **Subcommittee #1** - Visit the CGA website for training material reference. Draft Rule Education/Training for 55-2203 (9), (13), (14).  
**Subcommittee #2** - Draft Rule for Civil Penalties  
**Subcommittee #3** - Draft Rule for Damage Prevention Complaints and Complaint Form.

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DAMAGE PREVENTION BOARD  
Statutory Tasks  
Subcommittee Assignments

**SUBCOMMITTEE 1:**

**Chair:** Vaughn Rasmussen

**Members:** Joe Leckie, Mark Van Slyke, Jerry Piper, Linda Phillips

- 55-2203(9) - The board, by rule, may adopt or create training programs on all pertinent underground damage prevention topics, which may include, but are not limited to, safe excavation, locating and marking of facilities, determining facility damage, emergency procedures, excavator downtime, pre-marking of intended excavation areas, and procedures used when encountering unmarked facilities, for general use or for remedial training that may be ordered by the board pursuant to section 55-2211, Idaho Code.
- 55-2203(13) - The board shall adopt, by rule, a process for reviewing the adequacy of underground facility owners' use of internal performance measures for those locating underground facilities and recommending changes to improve such performance.
- 55-2203(14) - The board shall adopt, by rule, a process for reviewing and promoting the use, by all appropriate stakeholders, of improving technologies that may enhance communications, underground facility locating capability and the gathering and analysis of appropriate data.

**SUBCOMMITTEE 2**

**Chair:** Joe Leckie

**Members:** Jerry Piper, Linda Phillips, Vaughn Rasmussen

- 55-2203(17) - The board may establish by administrative rule the fines to be paid for penalties issued for violations of this chapter. In no case shall the penalty exceed the limits prescribed in section 55-2211, Idaho Code.

### **SUBCOMMITTEE 3**

**Chair:** Scott Spears

**Members:** Jeffrey Diehl, Nichole Rush, Bob Chandler

- 55-2208(4) - The board shall adopt by rule a procedure for the processing of claims related to damages to underground facilities.
- 55-2208(5) - Underground facility owners and excavators who observe, suffer or cause damage to an underground facility or observe, suffer or cause excavator downtime related to a failure of one (1) or more stakeholders to comply with applicable damage prevention regulations shall report such information to the board in accordance with the rules promulgated by the board.
- 55-2211(1) - Complaints shall include the name and address of the complainant and the alleged violator, and the violation alleged. If the alleged violation involves facility damage or a downtime event, the complaint must be submitted on such forms and contain such information as required by the board in rule.
- 55-2211(1) - Upon review of the complaint, and any investigation conducted therewith, the administrator shall notify the person making the complaint and the alleged violator, in writing, of the administrator's recommended course of action to the board. The administrator shall recommend that a training course adopted by the board, by rule, be successfully completed for a first violation of this chapter.

**Proposed rules draft for 55-2203 (9), (13), (14)**

**Sub-committee #1: Vaughn Rasmussen (chair), Joe Leckie, Mark Van Slyke, Jerry Piper, Linda Phillips**

**011. EDUCATIONAL AND TRAINING MATERIALS 55-2203(9)**

1. It is the intent of this rule to eliminate damage to underground facilities by providing education and training materials to all Stakeholders throughout Idaho. The Division of Building Safety, Damage Prevention Board will make available to all Stakeholders current educational materials that will train and promote acceptable underground facilities damage prevention practices. Education and training materials will be qualified and provided by subject matter experts recognized in the State of Idaho as well as throughout the United States.
2. Division of Building Safety will maintain a data base of education and training materials that can be updated as needed.
3. Should a Stakeholder as a result of a violation of this chapter be required to complete remedial training, Division of Building Safety will maintain validation of successful completion of required training for two years from date of completion.

**012. ADEQUACY OF UNDERGROUND FACILITY OWNERS LOCATING UNDERGROUND FACILITIES. 55-2203(13)**

1. The board will review all Stakeholder complaints of violation related to underground facility line locating generally accepted practices and procedures. The Stakeholder will make remedial action to improve line locating performance and will monitor and report performance improvements to the board.

**013. STAKEHOLDERS IMPROVING TECHNOLOGY AND COMMUNICATIONS. 55-2203(14)**

2. The board on an annual basis, will review and adopt available technology and communications material that promotes effective underground facility locating. The board will make available to all Stakeholders any appropriate technology and communications material and can be found on the Division of Building website @ <http://dbs.idaho.gov>.
3. The board by random sample of Stakeholder provided data, will review the use of adopted technology and communications material to insure the utilization of appropriate materials. The Division of Building Safety will utilize an approved data base that allows for gathering and analyzing of referenced Stakeholder data.

**§ 55-2203. Damage Prevention Board. (Included for reference)**

(1) The Idaho damage prevention board is hereby created and made a part of the division of building safety. The principal purpose of the board is to reduce damages to underground facilities and to promote safe excavation practices through education directed toward excavators, underground facility owners and the public at large. The board also shall review complaints of alleged violations of this chapter. It shall be the responsibility and duty of the administrator to administer this chapter, and the administrator shall exercise such powers and duties as are reasonably necessary to enforce the provisions of this chapter.

(8) The board shall cause educational materials regarding safe digging practices and the dangers of failing to provide notice prior to excavating to be prepared and distributed statewide on an ongoing basis. The board may enter into agreements with other entities for this purpose.

(9) The board, by rule, may adopt or create training programs on all pertinent underground damage prevention topics, which may include, but are not limited to, safe excavation, locating and marking of facilities, determining facility damage, emergency procedures, excavator downtime, pre-marking of intended excavation areas, and procedures used when encountering unmarked facilities, for general use or for remedial training that may be ordered by the board pursuant to *section 55-2211, Idaho Code*.

(10) The board shall periodically review the effectiveness of the methods used for maintaining effective communications among stakeholders from receipt of an excavation notification until successful completion of the excavation and may adopt, by rule, methods to maintain or improve these communications among stakeholders.

(13) The board shall adopt, by rule, a process for reviewing the adequacy of underground facility owners' use of internal performance measures for those locating underground facilities and recommending changes to improve such performance.

(14) The board shall adopt, by rule, a process for reviewing and promoting the use, by all appropriate stakeholders, of improving technologies that may enhance communications, underground facility locating capability and the gathering and analysis of appropriate data.

**IDAPA 07  
TITLE 10  
CHAPTER 01**

**07.10.01 - RULES GOVERNING THE DAMAGE PREVENTION BOARD,  
DIVISION OF BUILDING SAFETY**

**000. LEGAL AUTHORITY.**

The Idaho Damage Prevention Board of the Division of Building Safety is authorized under Section 55-2203, Idaho Code, to promulgate rules consistent with the act for the administration of Title 55, Chapter 22, Idaho Code, to effectuate the purposes thereof. ( )

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 07.10.01, "Rules Governing the Damage Prevention Board, Division of Building Safety." ( )

**02. Scope.** These rules shall be applicable to underground facilities, and facility owners as established in Title 55, Chapter 22, Idaho Code. ( )

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issued by the one-number notification service to the underground facility owner, with the one-number notification service required to submit a summary of the number of notices issued in a given month to the board no later than fifteen (15) days following the end of the month in which the notices were issued. ( )

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civil penalty of not more than five thousand dollars (\$5,000) for each offense that occurs thereafter within eighteen months from an earlier violation, and where facility damage has occurred. (- -18)

**05. Failure to Wait for Locate or Maintain Markings.** An excavator who commences excavator prior to waiting all known facilities to be located and marked, or an excavator who fails to maintain the markings of underground facilities previously so marked subsequent to the commencement of excavation in accordance with section 55-2205 (2), Idaho Code shall be subject to a civil penalty of not more than one thousand dollars (\$1,000) for a second offense and a civil penalty of not more than five thousand dollars (\$5,000) for each offense that occurs thereafter within eighteen months from an earlier violation, and where facility damage has occurred. (- -18)

**06. Failure to Cease Excavation or Report Unidentified Facilities.** An excavator who does not cease excavator in the immediate vicinity upon the discovery of underground facilities therein, whether active or abandoned which were not previously identified or located with reasonable accuracy, or does not notify the owner or operator of the facilities, or a one-number notification service in accordance with section 55-2205 (4), Idaho Code shall be subject to a civil penalty of not more than one thousand dollars (\$1,000) for a second offense and a civil penalty of not more than five thousand dollars (\$5,000) for each offense that occurs thereafter within eighteen months from an earlier violation, and where facility damage has occurred.. (- -18)

**07. Failure to Identify Facilities in Contract Documents.** Project owners who fail to indicate in bid or contract documents the existence of underground facilities known by the owner to be located within the proposed area of excavation in accordance with section 55-2207, Idaho Code shall be subject to a civil penalty of not more than one thousand dollars (\$1,000) for a second offense and a civil penalty of not more than five thousand dollars (\$5,000) for each offense that occurs thereafter within eighteen months from an earlier violation, and where facility damage has occurred.. (- -18)

**08. Precautions to Avoid Damage.** An excavator who does not engage in the activities required by section 55-2207 (2) or use reasonable care to avoid damage to underground facilities shall be subject to a civil penalty of not more than one thousand dollars (\$1,000) for a second offense and a civil penalty of not more than five thousand dollars (\$5,000) for each offense that occurs thereafter within eighteen months from an earlier violation, and where facility damage has occurred.. (- -18)

**09. Reporting of Damage to Facility.** An excavator who fails to report to a facility owner and a one-number notification service any contact or damage to an underground facility caused by such excavator in the course of excavation, or fails to alert an appropriate authority upon an actual breach of a facility which causes the release of gas or hazardous liquids as required by section 55-2208 (1), Idaho Code shall be subject to a civil penalty of not more than one thousand dollars (\$1,000) for a second offense and a civil penalty of not more than five thousand dollars (\$5,000) for each offense that occurs thereafter within eighteen months from an earlier violation, and where facility damage has occurred.. (- -18)

**10. Gross Violation.** In the case of continued, repeated or gross violation of Title 55, Chapter 22, Idaho Code, or IDAPA 07.10.01, (- -18)

**11. Judicial Review.** Any party aggrieved by the final action of the Idaho Damage Prevention Board shall be entitled to a judicial review thereof in accordance with the provisions of title 67, chapter 52, Idaho Code.

**12. Second Offense.** For the purpose of this section a second offense shall be deemed to be any violation of title 55, chapter 22 for which a civil penalty may be imposed in accordance with this section which occurs within five (5) years (but not within 18 months) of a previous violation of any provision.

**0109. -- 999. (RESERVED)**

**IDAPA 07  
TITLE 10  
CHAPTER 01**

**07.10.01 - RULES GOVERNING THE DAMAGE PREVENTION BOARD, DIVISION OF  
BUILDING SAFETY**

**000. LEGAL AUTHORITY.**

The Idaho Damage Prevention Board of the Division of Building Safety is authorized under Section 55-2203, Idaho Code, to promulgate rules consistent with the act for the administration of Title 55, Chapter 22, Idaho Code, to effectuate the purposes thereof. (12-1-16)T

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 07.10.01, "Rules Governing the Damage Prevention Board, Division of Building Safety." (12-1-16)T

**02. Scope.** These rules shall be applicable to underground facilities, and facility owners as established in Title 55, Chapter 22, Idaho Code. (12-1-16)T

**002. WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency may have written statements that pertain to the interpretation of the rules of this chapter, or to compliance with the rules of this chapter. Any such documents are available for public inspection and copying at cost at the Idaho Division of Building Safety offices. (12-1-16)T

**003. ADMINISTRATIVE APPEALS.**

IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," Section 100, *et seq.*, shall apply to contested cases, in addition to the provisions of Title 55, Chapter 22, Idaho Code. (12-1-16)T

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference into these rules. (12-1-16)T

**005. OFFICE – OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS.**

The principal place of business of the Damage Prevention Board is at the Division of Building Safety office located at 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. The Damage Prevention Board may also be contacted at 1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho 83814, and at 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. All locations are open from 8:00 a.m. to 5:00 p.m., except Saturday, Sunday and legal holidays. The telephone number of the office is (208) 334-3950. The facsimile number of the office is 1-877-810-2840. The Department website is <http://dbs.idaho.gov>. (12-1-16)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. (12-1-16)T

**007. FUNDING OF BOARD ACTIVITIES.**

Each owner of an underground facility shall pay a fee of ten cents (\$.10) each time such owner receives notice from a one-number notification service as required by Section 55-2205, Idaho Code. The fee assessed upon the underground facility owner shall be collected by the one-number notification service, and shall be payable to the board in accord with the following schedule: (12-1-16)T

**01. Fee Assessed.** The fee shall be assessed on an underground facility owner for each notification issued by the one-number notification service to the underground facility owner, with the one-number notification service required to submit a summary of the number of notices issued in a given month to the board no later than fifteen (15) days following the end of the month in which the notices were issued. (12-1-16)T

**02. Payment Submission.** The one-number notification service shall submit payment to the board for all payments received from underground facility owners no later than seventy (70) days following the end of the month in which the notices were issued to the facility owners. In those cases where the payment from the underground utility owner is received after the seventy (70) day period, the one-notification service shall include late payments in its next payment to the board. (12-1-16)T

**03. Notices Issued.** The one-number notification service shall also submit a detailed list of notices issued, including the facility owner's contact information, for which payment has not been received within the seventy (70) day period following the end of the month in which the notices were issued. Such list shall be updated on a monthly basis to reflect the status of all past-due payments due from underground utility owners that have not been received. (12-1-16)T

**04. Civil Penalties.** Underground facility owners failing to submit payment to the one-number notification service in a timely manner shall be subject to the imposition of civil penalties and other remedies referenced in Title 55, Chapter 22, Idaho Code. (12-1-16)T

**008. AUDIT OF ONE-NUMBER SERVICE RECORDS.**

The board shall have the right to review and audit the payment records of any one-number notification service relating to the collection of the ten cent (\$.10) fee imposed on underground facility owners. In the event the board wishes to conduct a review and/or audit of a one-number notification service, the board shall provide no less than a five (5) business day advance notice of the intended action. The board may delegate any responsibilities contained herein this chapter to the Division of Building Safety. (12-1-16)T

**009. DAMAGE PREVENTION COMPLAINTS**

**01. Complaint Forms.** Persons may submit written complaints to the administrator regarding an alleged violation of chapter 22, title 55, Idaho Code on such forms as required by the Division of Building Safety. Forms are available at the Division of Building Safety offices located at 1090 E. Watertower St., Suite 150, Meridian, Idaho 83642; 1250 Ironwood Dr., Ste. 220, Coeur d'Alene, Idaho 83814; and 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. They may also be

accessed electronically on the Division's website at <http://dbs.idaho.gov/>. Complaints filed with the administrator shall also be served concurrently on the alleged violator by the person submitting the complaint.

**02. Contents.** Complaints shall include the name and address of the complainant and the alleged violator, the date and location of the alleged violation, as well as a complete description of the nature of the violation alleged, including whether it resulted in damage to an underground facility or an excavator downtime event. Complainants may also provide additional documentation in support of a complaint. Complaints shall be accompanied by a sworn declaration from the complainant declaring that the information contained therein is true and accurate. The administrator may request additional information or documents in support of the complaint. Complaint forms shall be subject to chapter 1, title 74, Idaho Code.

**03. Complaint Procedures and Timelines.** The following timelines and procedure shall govern the process of filing and administering complaints related to violations of title 55, chapter 22, Idaho Code, and the rules of the damage prevention board.

**a. Initial Filing.** Complaints shall be submitted to the administrator not later than thirty (30) days from the date of the violation giving rise to the complaint or from the date the violation should have reasonably been discovered by the Complainant, whichever is later.

**b. Response.** The administrator shall notify the alleged violator of the complaint and request a response and any additional information from the alleged violator as may be necessary. The alleged violator shall be afforded not more than thirty (30) days from the date they are notified of the complaint by the administrator in which to provide a response to the administrator.

**c. Recommendation.** Upon receipt of the alleged violator's response, or at the conclusion of the thirty (30) day response period, the administrator shall notify the Complainant and the alleged violator of his recommended course of action. Such recommended course of action shall be provided to the parties not later than (30) days from the date of receipt of the response by the alleged violator. The administrator may extend the period of time in which to determine a recommended course of action, and so notify the parties, if such is necessary to further review or investigate the complaint.

**d. Contest.** In accordance with section 55-2211, Idaho Code, the alleged violator shall have the right to contest the imposition of a civil penalty before the damage prevention board. Notice of such contest shall be provided by the alleged violator not more than thirty (30) days after receipt of the administrator's recommended course of action. Recommendations of the administrator regarding complaints may be reviewed by the Board at its next regularly scheduled meeting.

## **010 CLAIMS AND REPORTS OF DAMAGE OR EXCAVATOR DOWNTIME**

**01. Claims.** Claims for the cost of repairs for damaged underground facilities shall be enforced by the affected underground facility owner in accordance with procedures as may be established by the facility owner, and in accordance with applicable law. Underground facility owners shall provide notice to excavator contractors of such procedures, along with sufficient information supporting the basis for the amount of a claim within six (6) months from the date of the event giving rise to the claim or from

the date the event should have reasonably been discovered by the underground facility owner, whichever is later.

**02. Reports.** Underground facility owners and excavators who observe, suffer or cause damage to an underground facility or observe, suffer or cause excavator downtime related to a failure of one (1) or more stakeholders to comply with applicable damage prevention statutes or regulations shall report such information to the board on forms or by such method adopted for such by the Board. Forms are available at the Division of Building Safety offices located at 1090 E. Watertower St., Suite 150, Meridian, Idaho 83642; 1250 Ironwood Dr., Ste. 220, Coeur d'Alene, Idaho 83814; and 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. They may also be accessed electronically on the Division's website at <http://dbs.idaho.gov/>.



**IDAHO DAMAGE PREVENTION BOARD  
STATE OF IDAHO DIVISION OF BUILDING SAFETY**

1090 East Watertower Street, Suite 150  
Meridian, Idaho 83642  
Ph: 800-955-3044  
Fax: 877-810-2840

Email: [customer.service@dbs.idaho.gov](mailto:customer.service@dbs.idaho.gov)  
[dbs.idaho.gov](http://dbs.idaho.gov)

**DAMAGE PREVENTION COMPLAINT FORM**

This complaint form is authorized pursuant to section 55-2011, Idaho Code, and the rules of the Damage Prevention Board. It is a public record subject to the provisions of chapter 2, title 74, Idaho Code. This document is a formal complaint form from which discipline may be imposed on the alleged violator pursuant to section 55-2211, Idaho Code. General reports of underground facility damage or excavator downtime, which are not complaints but required by section 55-2208(5), Idaho Code should be made separately in accordance with procedures established by the Board.

**Company or Person(s) making the complaint:** \_\_\_\_\_

\_\_\_\_\_  
Address City State Zip

\_\_\_\_\_  
Phone Number Email Address

**Company or Person(s) committing alleged violation:** \_\_\_\_\_

\_\_\_\_\_  
Address City State Zip

\_\_\_\_\_  
Phone Number Email Address

Location of alleged violation: \_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip

Date(s) of alleged violation: \_\_\_\_\_

Date(s) Complainant became aware of alleged violation (if different): \_\_\_\_\_

Description of alleged violation (attach additional pages if necessary): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**IDAHO DAMAGE PREVENTION BOARD  
STATE OF IDAHO DIVISION OF BUILDING SAFETY**

1090 East Watertower Street, Suite 150  
Meridian, Idaho 83642  
Ph: 800-955-3044  
Fax: 877-810-2840

Email: [customer.service@dbs.idaho.gov](mailto:customer.service@dbs.idaho.gov)  
[dbs.idaho.gov](http://dbs.idaho.gov)

Did the violation cause damage to an underground facility?  Yes  No

If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

Did the violation cause excavator downtime?  Yes  No

If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

Please include any additional documents, photographs, invoices, contracts and/or other relevant information in support of the complaint and attach it to this complaint form.

I swear (or affirm) under penalty of perjury that the foregoing information is true, complete, and correct. Additionally, I agree to assist the Division and Board in the resolution of this complaint, and if necessary appear before the board to verify and support the information contained in this complaint.

\_\_\_\_\_  
Name (Print or Type)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date Executed

# DAMAGE PREVENTION BOARD

## Agenda Item No. 9

## Definition of 'Hand Dig'

**PRESENTER:** Jeanna Anderson, Board Member

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**OBJECTIVE:** Determine the definition of 'hand dig'

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**ACTION:** Informational

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**BACKGROUND:**

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**PROCEDURAL  
HISTORY:**

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**ATTACHMENTS:** No documentation

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# DAMAGE PREVENTION BOARD

## Agenda Item No. 10

## Discussion on Locates in Right of Way

**PRESENTER:** Jeanna Anderson, Board Member

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**OBJECTIVE:** Discussion on the issue of locates in the right of way.

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**ACTION:** Informational

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**BACKGROUND:**

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**PROCEDURAL  
HISTORY:**

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**ATTACHMENTS:** No documentation

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# DAMAGE PREVENTION BOARD

## Agenda Item No. 11

## Notice to Underground Facility Owners

**PRESENTER:** Mark Van Slyke, Chairman

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**OBJECTIVE:** Discussion on notice to underground facility owners not participating in a one-number notification service.

---

**ACTION:** Informational

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**BACKGROUND:**

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**PROCEDURAL HISTORY:**

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**ATTACHMENTS:** No documentation

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# DAMAGE PREVENTION BOARD

**Agenda Item No. 12**

**Administrator Report**

**PRESENTER:** Chris Jensen, Administrator

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**OBJECTIVE:** Provide an overview of the Division's current activities.

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**ACTION:** Informational

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**BACKGROUND:** This topic is addressed at all regularly scheduled Damage Prevention Board meetings.

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**PROCEDURAL HISTORY:**

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**ATTACHMENTS:** No documentation

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# DAMAGE PREVENTION BOARD

**Agenda Item No. 12a**

**Financial Report**

**PRESENTER:** Chris Jensen, Administrator

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**OBJECTIVE:** Review financial report for the Damage Prevention Board.

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**ACTION:** Informational

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**BACKGROUND:**

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**PROCEDURAL  
HISTORY:**

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**ATTACHMENTS:** Financial Report

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**Division of Building Safety**  
**UNDERGROUND FACILITIES DAMAGE PREVENTION**  
 Fiscal Year 2017 Financial Statements  
 As of 2/28/2017

Statement of Revenues and Expenditures - 0229-27 Dedicated Fund

Class	Budget	Fiscal Year To Date	YTD as a % of Budget	Remaining Budget	Projected for Remainder of Year	Projected Year End Totals	Projected Total as a % of Budget
Revenues:	50,000	25,709	51%	24,291	24,291	50,000	100%
Expenditures							
Personnel:	-	2,152	0%	(2,152)	1,076	3,228	0%
Operating:	50,000	9,202	18%	40,798	36,807	46,009	92%
Capital:	-	1,009	0%	(1,009)	0	1,009	0%
Total Expenditures	50,000	12,363	25%	37,637	37,883	50,246	100%
Net for FY 2017	-	13,347			(13,592)	(246)	

Statement of Cash Balance - 0229-27 Dedicated Fund

July 1, 2016 Beginning Cash Available	Fiscal Year to Date Revenues	Fiscal Year to Date Expenditures and Encumbrances	Other Changes in Cash	Available Cash as of Feb 28, 2017	Projected Change in Cash for Remainder of Year	Projected Year End Available Cash
-	25,709	12,363	0	13,347	(13,592)	(246)

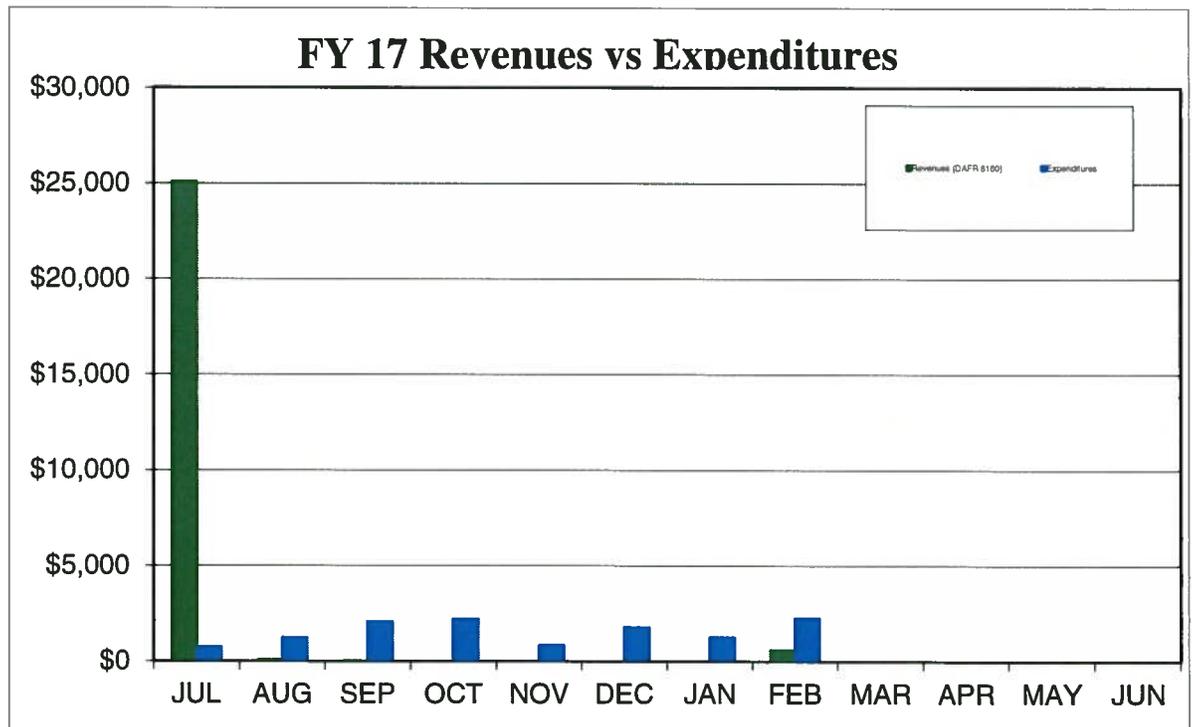
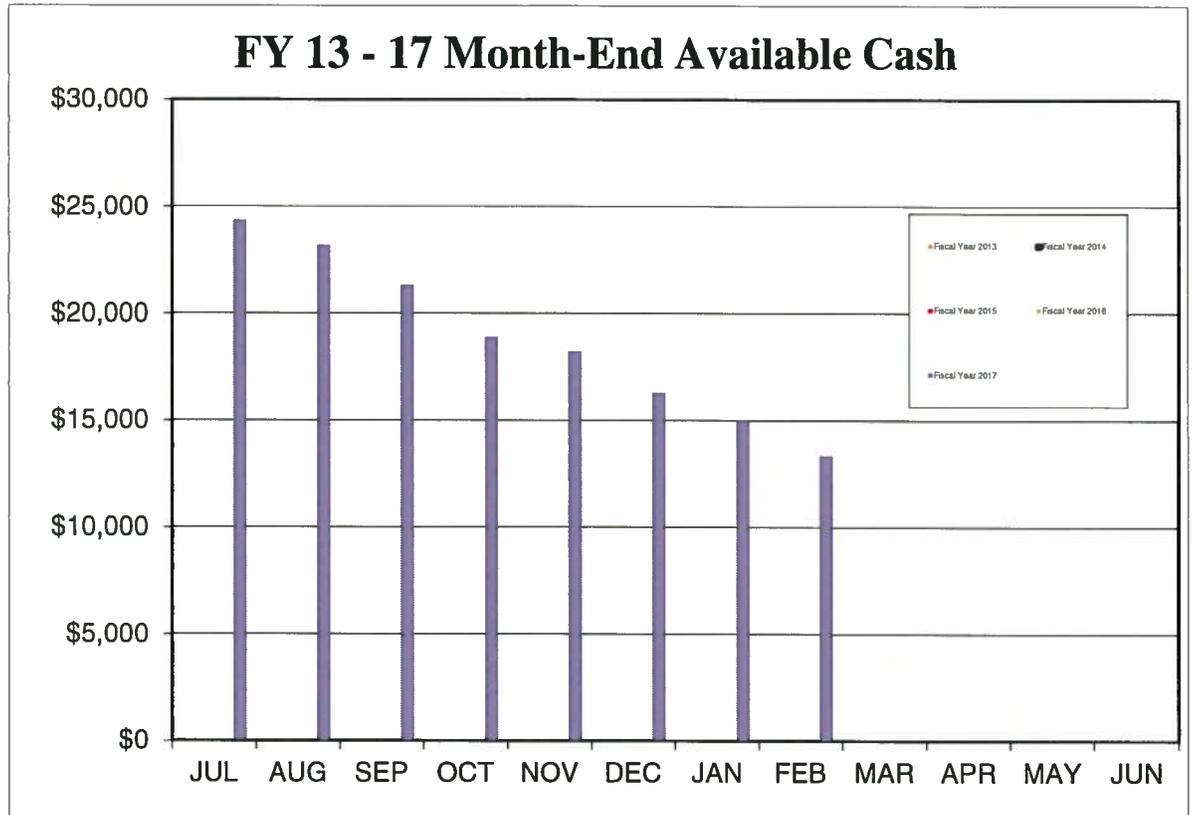
Statement of Revenues and Expenditures - 0348-00 Federal Grant (State Damage Prevention Program Grant - 2016)

Class	Budget	Fiscal Year To Date	YTD as a % of Budget	Remaining Budget	Projected for Remainder of Year	Projected Year End Totals	Projected Total as a % of Budget
Revenues:	83,638	41,819	50%	41,819	41,819	83,638	100%
Expenditures							
Personnel:	23,611	-	0%	23,611	0	0	0%
Operating:	60,027	0	0%	60,026	0	0	0%
Capital:	-	-	0%	0	0	0	0%
Total Expenditures	83,638	0	0%	83,637	0	0	0%
Net for FY 2017	-	41,819			41,819	83,637	

Statement of Cash Balance - 0348-00 Federal Grant (State Damage Prevention Program Grant - 2016)

July 1, 2016 Beginning Cash Available	Fiscal Year to Date Revenues	Fiscal Year to Date Expenditures and Encumbrances	Other Changes in Cash	Available Cash as of Feb 28, 2017	Projected Change in Cash for Remainder of Year	Projected Year End Available Cash
0	41,819	0	0	41,819	41,819	83,637

# UNDERGROUND FACILITIES DAMAGE



# UNDERGROUND FACILITIES DAMAGE

